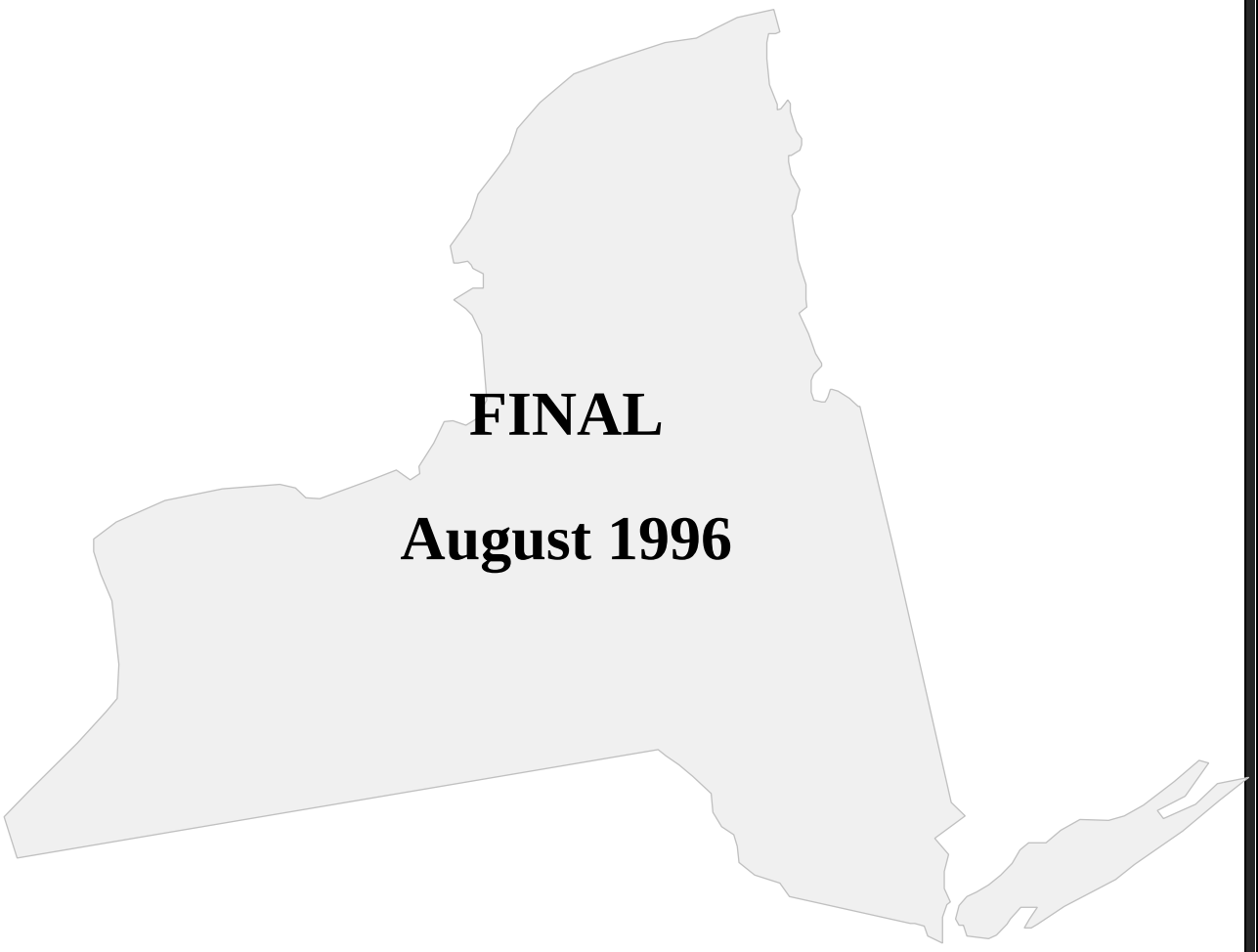
NEW YORK STATE PERFORMANCE PARTNERSHIP AGREEMENT - STATE FISCAL YEAR 1996/97



FINAL

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NEW YORK STATE DEPARTMENT
OF
ENVIRONMENTAL CONSERVATION

and

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY - REGION 2

TABLE OF CONTENTS
NYSDEC/EPA Performance Partnership Agreement

ACKNOWLEDGEMENTS

This inaugural Performance Partnership Agreement has been developed with the extensive input of personnel from both the New York Department of Environmental Conservation (NYSDEC) and the Environmental Protection Agency Region 2 (EPA).

The document was prepared by members of NYSDEC and EPA Region 2 staff. These members are listed below. Their dedication to the considerable task of developing goals, indicators and performance measures for New York's drinking water and water quality, as well as to the negotiation process involved in reaching this Agreement, is gratefully acknowledged.

Special acknowledgement is given to NYSDEC's Fred Nuffer and Lucinda Collins and EPA's John Malleck and Mark Dannenberg for their invaluable contributions to the National Environmental Performance Partnership System process and their special efforts to complete this Performance Partnership Agreement.

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ADDITIONAL COPIES AND COMMENTS
Additional copies of this document may be obtained by contacting NYSDEC's Division of Water at 518-457-7464. Comments on this pilot agreement document, including its environmental goals, indicators and performance measures are welcomed. They may be submitted to:

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SFY 1996/1997 ENVIRONMENTAL PERFORMANCE PARTNERSHIP AGREEMENT BETWEEN NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND ENVIRONMENTAL PROTECTION AGENCY REGION 2

We are pleased to enter into this SFY96/97 Environmental Performance Partnership Agreement which represents our effort in the new National Environmental Performance Partnership System (NEPPS). This Agreement describes our shared agenda for continued environmental progress in the State of New York and our expectations for the State/federal relationship.

By signing this Agreement, the New York State Department of Environmental Conservation (NYSDEC) and EPA Region 2 agree to utilize the philosophies and strategies embodied in the NEPPS process. We anticipate that this Agreement will serve as a sound basis for guiding our program performance for the remainder of SFY96/97. It is also expected that the environmental goals, environmental indicators and agency commitments embodied in this Agreement will be refined over time as this landmark environmental management approach is informed by our mutual experiences and our stakeholder input.

The execution of this Agreement comes at a time when a need exists to become more results-oriented in our reporting measures while also being held accountable to our stakeholders and their needs. We believe that this Agreement takes a first step in this direction.

This Agreement will serve as NYSDEC/EPA Region 2's joint performance plan for the resource areas of water quality for the remainder of SFY96/97.

New York State Department of Environmental Conservation

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Michael D. Zagata
Commissioner

_____
Date

U.S. Environmental Protection Agency, Region 2

_____

Jeanne M. Fox
Regional Administrator

_____
Date

SECTION I. INTRODUCTION

I.A. Overview of the National Environmental Performance Partnership System

The New York State Department of Environmental Conservation (NYSDEC) and the US Environmental Protection Agency (EPA), Region 2, have agreed to enter into a cooperative partnership for the purpose of protecting and enhancing the water resources of New York State for the benefit of the citizens of the State. While NYSDEC and EPA Region 2 have always worked cooperatively to protect New York's water resources, the National Environmental Performance Partnership System (NEPPS) provides an enhanced opportunity for the State and EPA, as partners, to develop a Performance Partnership Agreement (PPA), that establishes priorities, direction, and accountability for water resource management in New York.

The NEPPS process was established in a May 17, 1995 agreement between EPA and the Environmental Council of States. This new process recognizes that the State should serve as the primary agent to deliver and manage its own programs. It also recognizes that EPA's role is evolving from one of oversight of the federally supported programs to a partnership whereby EPA and NYSDEC work together to solve environmental problems in New York. Since both agencies are accountable to the public, the partnership established in this PPA ensures an open decision making process between the agencies and a role for public involvement in identifying and addressing the environmental issues. Prior to this new NEPPS approach, the State and the EPA developed an annual strategic plan. In this process, the State and EPA jointly determined priorities, goals, and directions for water quality protection. Both the State and the EPA see NEPPS as the next logical step in our long cooperative working relationship. In addition, this new process is an opportunity to identify other partners that are willing to join forces to protect and enhance New York's water resources.

While the State and the EPA view the program as a continuation of our current cooperative efforts, our roles will change. The EPA's level of detailed review and approval of State program activities will significantly decrease. As further evidence of the benefits from a true partnership, EPA will provide the necessary flexibility to State programs where needed and will carry out activities that complement State actions to achieve these program objectives. EPA will direct additional Regional resources, in the form of technical and financial assistance, policy development, and technical/scientific information toward these objectives by targeting program activities and discretionary resources to meet State water quality management program needs.

The purpose of this SFY97 PPA is to set forth mutual understandings reached regarding the desirable outcomes, the performance expectations, the State/federal relationships, and the oversight agreements between the parties. The direction and goals for this partnership program have been set out in this document. The Agreement lists the surface water and groundwater

programs that exist in New York State and delineates the work that various parties have agreed to perform in these program areas. These parties include:

- NYS Department of Environmental Conservation
  - Division of Water
  - Division of Fish and Wildlife
  - Division of Marine Resources
  - Division of Mineral Resources

- NYS Environmental Facilities Corporation

- US Environmental Protection Agency, Region 2

Concurrent with this effort to establish a Performance Partnership Agreement, the NYSDEC is also seeking a Performance Partnership Grant (PPG) in the water quality areas; recent federal legislation now makes this feasible. This will allow many of the water quality management grants, currently awarded by the EPA, to be combined into a single PPG. The State will then have greater flexibility to address its highest water quality management priorities, in addition to administrative and programmatic savings.

I.B. Strategic Approach

We have now reached a new phase in our efforts to improve the quality of New York's waters. In 1972, we recognized that it wasn't practical to base our clean-up efforts on case-by-case analyses of the impact of discharges on ambient water quality. Thus, we embarked on a successful program of issuing and enforcing permits for municipal and industrial discharges relying primarily on technology-based effluent guidelines. In recent years, we recognized that many of the water quality problems remaining to be solved will require a level of analysis and pollutant control going well beyond the traditional concepts of technology-based limits, supplemented with water quality-based requirements for traditional point sources. Stormwater runoff, combined sewer overflows, and nonpoint source contributions must be factored into our analyses. In addition, we must now conduct case-by-case analyses of the impacts of point and non-point source discharges on ambient water quality. These geographic- and pollutant-specific analyses are essential in designing sensible plans that communities throughout New York State can afford and are willing to support.

The challenge to NYSDEC and EPA, is, therefore, clear:

- Most of the progress that we've made to date has been the result of base programs implemented uniformly on a state-wide basis; these programs must be maintained or we will regress.

- However, further progress will require geographic- and pollutant-specific efforts to supplement these base programs; we must direct resources to support these important regional and local efforts.

This PPA is an attempt to strike the proper balance between these two approaches. The PPA is, therefore, built on two principles:

- First, we need to maintain efficient and effective base programs in the State; and

- Second, we need to do more, as necessary, to solve the particular problems, in particular places, that have not, or cannot be satisfactorily addressed through the implementation of base programs alone.

Our preferred approach to doing more, as necessary, is Community-Based Environmental Protection (CBEP) -- environmental protection that involves all the major stakeholders with an interest in solving a problem in developing and implementing the plan to solve that problem. We're particularly interested in CBEP projects that address the problem of disproportionate burdens on low income or minority communities.

Several factors will be considered in determining the lead agency for CBEP projects. For example, EPA will generally act as co-lead with NYSDEC for CBEP projects for the major interstate and international boundary waters in the State, and in the few additional instances where EPA has a statutory or programmatic mandate. NYSDEC will generally act as lead on additional priority intra-state waters. In addition, EPA and NYSDEC will seek expressions of interest from sub-state governmental or non-governmental entities in taking the lead for still other waters.

I.C. Generic Provisions

I.C.1. Federal Enforcement

A program that ensures continuing compliance with the network of national and state environmental laws and regulations is necessary to protect human health and the environment. New tools and approaches to compliance are available that focus on risk to human health, communities and sensitive ecosystems, while sustaining a strong economy. These new strategies include increased compliance assistance for the regulated community, particularly small business, encouragement of self-reporting, voluntary compliance programs, and dispute resolution. Underlying these new approaches is a continuing foundation of strong enforcement where required, with penalties that are commesurate with the violations and that prevent violators from benefitting economically from their non-compliance. NYSDEC and EPA agree on the need to maintain a system in New York State based on the above principles.

Under federal programs that are delegated to the State, NYSDEC will continue to assume the lead in enforcement and compliance in the State of New York, supported as appropriate by technical and/or legal assistance from EPA. EPA would only take enforcement actions in New York State as appropriate. EPA will consult with the State prior to the initiation of enforcement actions to ensure coordination of enforcement activities. There may, however, be emergency situations or criminal matters that require EPA to take immediate action (e.g., seeking a temporary restraining order); in those circumstances EPA will endeavor to consult with the State as quickly as possible following initiation of the action. Specific circumstances under which a federal enforcement action may be appropriate include:

- Where the State of New York requests enforcement assistance;
- In criminal matters, including, but not limited to, cases where warranted by limits on State capacity or resources;
- In cases involving nationally violative corporations;
- Where interstate pollution problems exist, such as those associated with watersheds and estuaries;
- Where regional or national enforcement priorities (such as industry sectors) are involved;
- Where programs are not delegated, only partially delegated, or non-delegable; and,
- Where actions to prevent non-complying companies from obtaining an economic advantage over their competitors are needed, thereby maintaining a "level playing field" throughout the country.

I.C.2. Delegation Agreements and Statutory/Regulatory Requirements

There are numerous federal water programs currently delegated to NYSDEC. The parties will work together whenever there are major changes to relevant federal or State statutes or regulations to ensure that each delegated State program remains equivalent to the federal program.

There are specific State products that under federal statute or regulation require federal approval (e.g., revisions to water quality standards). The parties will work together to ensure that the federal role in approving such products is preserved.

I.C.3. National Data System Maintenance

NYSDEC commits to support the maintenance of EPA's national data bases supporting the water programs listed in this document. Particular attention will be given to assuring the quality of the data in the systems.

I.C.4. Staff Sharing

Appendix 3 is a Memorandum of Agreement between NYSDEC and EPA Region 2 to share staff resources in order to meet our overall programmatic and community-based environmental protection responsibilities in an efficient and effective manner.

I.D. Document Organization

In order to establish a Performance Partnership Agreement, the State must assure the EPA and the public that it will continue to successfully carry out its responsibilities. The partnership program calls for the State to:

- undertake an environmental and programmatic self-assessment, identifying program strengths, weaknesses, and opportunities for improvement.
- identify the action plan for maintaining and improving the State's surface and ground water resources, detailing specific actions and approaches the State proposes to take in the coming year.
- identify and select appropriate environmental and program performance indicators.
- assess its basic fiscal accountability.
- identify other stakeholders and potential partners willing to join forces to protect and enhance New York's water resources.
- share with the public, information about environmental conditions, goals, priorities, and prior year's achievements.

In addressing the above elements, the rest of the Performance Partnership Agreement is organized as follows:

- **Section II** contains an environmental and programmatic self-assessment.
- **Section III** contains individual strategies for all elements of the base program and for all identified community-based environmental protection efforts.

- **Section IV** identifies the agreed upon indicators of success -- both environmental and programmatic.
- **Section V** discusses fiscal accountability.
- **Section VI** discusses the public involvement program.
- **Section VII** discusses the process for reporting success.

SECTION II. SELF ASSESSMENT

As a requirement of the Performance Partnership Agreement and as a routine step in practicing good management, the Division of Water looked at the current state of the water environment and its surface and groundwater protection programs. This self assessment is reflected from three different perspectives. The first is an assessment of the overall health (ambient water quality) of the water resources in NYS. This information comes from a previously published document entitled "New York State Water Quality 1994; Submitted Pursuant to Section 305(b) of the Federal Clean Water Act", published by the State in May of 1995. Summary tables of the ambient water quality information are located in Appendix 2.

The second assessment is a program by program review, looking at its strengths, weaknesses and the opportunities to strengthen it over the next several years. The programmatic self assessments will identify the immediate or short term actions that we will take in the upcoming year. A more detailed plan of action for the year is included in Section III: Strategic Plan.

The last assessment is for the specific Community-Based Environmental Protection (CBEP) initiatives. These specific CBEP initiatives have been selected to go into this agreement because the EPA and/or the NYSDEC Division of Water (DOW) have identified the specific resource as a priority, and a local partner(s) or stakeholder(s) has expressed a willingness to commit its own resources to assist in protecting or enhancing the resource. Here we also look at the strengths, weaknesses and opportunities to strengthen the individual CBEP initiative. Again, a more detailed plan of action for the initiative is presented in Section III: Strategic Plan.

II.A. Environmental Assessment

II.A.1. New York State Ambient Water Quality

The water quality in New York State has significantly improved over the last twenty-four years, since the Clean Water Act became law. During this time period many problems have been solved, through focus on point source controls, relying on technology guidance and regulations, and using program grants efficiently. Appendix 2 contains tables from the New York State Water Quality 1994 305(b) report that provides specific information on the ambient water quality progress that has been achieved in New York State. The following are brief statements taken from that 1994 305(b) report that highlight successes that have been achieved and problems that remain.

- Point source regulatory programs have stabilized and are achieving a 90+% compliance rate.

- Nonpoint sources are the predominant cause of the remaining water quality problems. Implementation of management practices to control nonpoint sources is increasing which should result in quality improvements.

- Shellfish bed closures are essentially constant, indicating controls are keeping pace with population/urban growth in areas surrounding marine waters.

- Measurable improvements in both conventional (dissolved oxygen, floatables, settleable solids) and toxic (metals, organics) parameters have occurred. This is reflected by the significant improvement in fishery resources and recreation in and on the State's waters.

- Thirty-four percent of the stream sites assessed for biological water quality using resident macroinvertebrate communities showed an improvement.

- Recently deposited sediments are most often cleaner than sediments from the 1960's and 1970's. Again this indicates effectiveness of regulatory control programs.

- Ninety-three percent of New York's rivers and streams fully support their designated uses.

- Forty-seven percent of New York's lakes, ponds, and reservoirs fully support their designated uses, 51 percent partially support their designated uses.

- Fifty-two percent of New York's tidal bays and estuaries fully support their designated uses, 31 percent partially support their designated uses.

- Fifteen percent of New York's Great Lakes coastal waters fully support their designated uses, 85 percent partially support their designated uses.

- Ninety-eight percent of New York's ocean coastal waters fully support their designated uses.

- Industrial and municipal point sources are relatively minor sources of water use impairment, and their impact on water quality has diminished significantly in the past 20 years. It has been estimated that in 1972, approximately 2,000 miles of river and streams were impaired by point sources. Today, that figure is about 300 miles.

- The 1993 NYSDEC report 20 Year Trends in Water Quality of Rivers and Streams in New York State documented water quality improvement due to point source controls. A comparison of the macroinvertebrate (aquatic insect) communities at 216 sites across the State during the period 1972-1992 found evidence of a water quality improvement at 38 percent of the sites, no change at 58 percent, and a decline at 4 percent (eight sites). Eighty-seven percent of the sites which showed improvement were attributed to improved treatment of municipal and/or industrial waste. Of these, the ten most significantly improved sites were all attributed to improved point source treatment. There were no obvious reasons for the change in water quality at the eight sites which had an apparent decline, although several appeared to be due to natural fluctuations in flow. Further investigation is needed.

- Ninety-one percent of New York's EPA permitted major publicly owned treatment works are in substantial compliance with their State Pollutant Discharge Elimination System (SPDES) discharge permit requirements.

- Over 97 percent of the State's major industrial wastewater treatment facilities are in substantial compliance with their SPDES discharge permit requirements.

- Nonpoint sources of toxic and conventional pollutants are the major contributors to water quality impairment. They account for 93 percent of river impairment, 86 percent of lake impairment, 62 percent of tidal waters impairment and 96 percent of Great Lakes impairment.

- Approximately 538 river miles, 136,000 lake acres, and 120 square miles of estuary and 492 miles of Great Lakes shoreline are significantly affected by toxic pollutants. Contaminated bottom sediments cause a major portion of this waterbody use impairment. Several local dredging projects have been undertaken to remove contaminated sediments. Several others are in the planning process or being held pending resolution of disposal issues. Dredging is only a viable option where the affected areas are relatively localized.

- Toxic organic contamination has affected 312 wells or springs with a combined total capacity of 417 million gallons per day. Many of these wells have been reopened or operate under restriction, but 121 on Long Island and 39 upstate remain closed or have been permanently abandoned. These represent about 3 percent of the State's 5,500 public water supply wells.

- Acid precipitation impairs water use in 80 miles of rivers and streams and 397 lakes and ponds with aggregate area of nearly 18,000 acres, about 2 percent of the State's total lake area. It is estimated that 69 to 86 percent of the acid deposition affecting New York's waters originates outside of the State.

- Agriculture is a major nonpoint source of water quality impairment in New York's rivers, lakes, and reservoirs, contributing excess nutrients and silt. Nutrients cause excessive weed and algae growth which can impair the use of the water for boating, swimming, fishing, and water supply. Silt causes excessive turbidity which impairs swimming, fish propagation, and water supply uses.

- Hydrologic/habitat modification is also a major source of water quality impairment in rivers and lakes. This category includes a variety of activities that change the nature of a stream corridor or wetland area such as changes to the bed and banks of a stream, dredging or filling of wetlands, and removal of riparian vegetation from stream banks. Flow regulation is the most common subcategory. Surface impoundments can cause detrimental effects both upstream and downstream of a dam. Water level fluctuations within the impoundment disturb fish habitat. Changes in downstream flow conditions also affect fish survival and spawning.

- Urban runoff is cited as the major nonpoint source of water quality impairment in New York's bays and estuaries. Urban runoff is contaminated with silt, pathogen indicator bacteria, petroleum products, heavy metals, and oxygen demanding substances. Pathogen indicator bacteria from urban runoff and other sources including boats, point sources, waterfowl and on-site disposal systems have caused the closing of about 200,000 acres (sixteen percent) of the potential shell fishing beds in the New York City-Long Island region.

- Nutrients from municipal point sources have been determined to be a major cause of hypoxia in Long Island Sound. Control measures have been recommended.

- Programs are underway to solve the more serious of New York's remaining water quality problems. Remedial action plans have been completed for four of the six Great Lakes Areas of Concern, and some remedial actions have already been undertaken. Work is underway on the other two. Special Management Conferences are responsible for developing and coordinating the implementation of management plans for five priority

waters in the State.

- The Onondaga Lake Management Conference has developed a management plan for Onondaga Lake; it will be updated upon approval of the Municipal Compliance Plan for the Syracuse Metro Plant.

- The Lake Champlan Management Conference has developed a proposed management plan for Lake Champlain; it will be finalized shortly.

- The Long Island Sound Study has developed a Comprehensive Conservation and Management Plan for the Sound; it will be updated this year.

- The Harbor Estuary Program has developed a Comprehensive Conservation and Management Plan for New York/New Jersey Harbor; it has been sent to the Governors and to the EPA Administrator for approval.

- The Peconic Estuary Program has developed an Action Plan for the Peconic Estuary and is currently developing a Comprehensive Conservation and Management Plan.

- The Four Parties (NYSDEC, EPA, Environment Canada, and the Ontario Ministry of Environment and Energy) have developed and begun implementation of Toxics Management Plans for the Niagara River and Lake Ontario.

- The prime cause of impairment, (contaminated bottom sediments and other nonpoint sources for surface waters; petroleum products and commercial solvents in ground water,) are refractory organics. Their remediation, while pollution prevention is also pursued, will require substantial program and private resources. The weak economy continues to make resource commitment difficult. Indeed, maintenance of existing water programs is a problem.

- In the past 14 years, New York has conducted 26 lake management and restoration projects on public lakes using Federal Clean Lakes Program funding. In addition, since 1983, NYSDEC has supervised nearly 80 additional lake projects financed with nearly 10 million dollars of State funds.

- There is a need at the national level for EPA to establish criteria for evaluating the toxicity and risk associated with contaminated sediment. More federal research is needed on the impacts of contaminated sediment removal and in-place mitigation measures. Further research is also needed on banning the use or production of certain toxic substances and restricting the discharge of others.

II.A.2. Conclusion of Ambient Water Quality Self Assessment/Environmental Goals

It is apparent that the progress made in water quality improvement by focusing on point source controls has been significant. We now need to address nonpoint source pollution problems and in-place toxics, while maintaining the current degree of compliance and success of our point source control programs. The specific steps that we will take in order to achieve these goals are identified in Section III: Strategic Plan.

II.B. Self Assessments

II.B.1. Base Programs

II.B.1.a. Underground Injection Control[1]

STRENGTHS:

Professional working relationship between EPA staff and Division of Mineral Resources (DMN) staff.

WEAKNESSES:

DMN not always copied on EPA correspondence, permits, etc.

No mechanism for coordinating the scheduling of field inspections for regulated wells and facilities.

Overlapping regulatory responsibilities for Class II and Class III wells.

OPPORTUNITIES TO STRENGTHEN:

Develop an assessment of regulatory responsibilities for both the EPA and DMN programs. Highlight areas of overlapping jurisdiction and areas not adequately addressed by either program.

Develop a comprehensive Memorandum of Understanding to address program implementation based on results of assessment.

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[1]Program identified is the state program and not the Federal equivalent UIC Program. NYS has not been delegated the UIC Program.

The assessment and MOU will be accomplished this fiscal year.

II.B.1.b. Groundwater Management

STRENGTHS:

The DEC has established groundwater protection goals (Part 703 standards and guidance values TOGS), a groundwater classification system (GA, GSA, GSB), and an aquifer classification system (primary, principal).

The DEC has established a baseline wellhead protection program for the entire State; programs have been initiated with regional and county planning department support in most areas of the State; protection programs, in part through delegation are very strong in key groundwater areas (Long Island); an important regulatory tool is available to water suppliers through DOH (watershed rules and regulations).

Response and remediation programs are well established for both hazardous wastes and petroleum. Other prevention programs for major sources (bulk storage, solid wastes, pesticides, discharges, nonpoint sources) are well established.

A strong regional network is established through DEC regional offices, regional planning agencies, county agencies (including County Water Quality Coordinating Committees) and other agencies.

WEAKNESSES:

Mapping of important aquifers at a scale useful for program interpretation and application is not complete.

Groundwater quality data have not been adequately summarized, new data are not systematically collected and entered into a useful information system.

GIS for groundwater resources is not complete or tied to the hydrography GIS.

Wellhead protection programs are not adequately developed, particularly for the smallest systems (especially non-municipal and non-community wells); the watershed rules program is understaffed and not able to process new rules which are needed for cross-jurisdictional cases (common for groundwater).

The groundwater related information systems of the different DEC programs are not well integrated.

OPPORTUNITIES TO STRENGTHEN:

Storage of, and access to, hydrogeologic data (e.g., aquifer distribution) needs to be strengthened. All published maps (especially those which are out of print), should be digitized for use in the GIS, and all existing ground water data should be consolidated and organized as a first step in setting priorities for the acquisition of new ground water quality data.

Priorities should be set for areas warranting new mapping efforts and a closer relationship with USGS should be developed.

The aquifer classification system should be re-evaluated and the final system which is selected should be implemented through formal designations (independent of other program permit processes).

The Wellhead Protection Program should be integrated with Source Protection/Watershed Management Programs. A State/local Wellhead Protection Coordinating Committee should be convened to address water supplier/community concerns, watershed rules issues and the integration of the program with source protection/watershed management.

Technical assistance should be increased to the water supply permit program.

Opportunities to strengthen information systems, organization of data and acquisition of new quality data, new mapping efforts and re-evaluation of the aquifer classification system will not be done now due to shortage of funds to implement them. We will concentrate on efforts whose implementation is somewhat short term in nature and will produce results more quickly. We will concentrate on providing technical assistance to the water supply permit program. We will convene meetings of an advisory committee (Wellhead Protection Coordinating Committee) to address concerns of water suppliers and of communities.

Successful Class V well notification system in DEC Region 3 will be expanded to other DEC Regions.

II.B.1.c. Surface Water Quality Management

STRENGTHS:

DEC surface water quality management efforts rely upon an active program of monitoring, assessment, and planning activities to manage water quality in New York State. The Rotating Intensive Biological Surveys (RIBS) program forms the basis for the preparation of the 305(b) water quality report which includes a complete listing of water segments not

fully supporting their intended uses.

New York State continues to operate a technically sound TMDL/WLA program driven by preparation of the annual 303(D) list of waters for which the development of TMDLs/WLAs are needed.

New York State's water quality standards and criteria contain many standards for toxic substances.

The development of State of the Lake Reports and Management Plans continue for Chautauqua Lake, Upper Saranac Lake and Otsego Lake, using CWA Section 314 funding. Local stakeholder involvement is strong in development of Lake Management Plans.

WEAKNESSES:

New York State's reclassification effort has not been completed for the St. Lawrence, Lake Champlain, Lower Hudson DEC Region 3 and Marine Waters of DEC Region 2.

The triennial review of water quality standards due for submittal in 1996 has been delayed. Work on the standards review required by the Great Lakes Initiative (GLI) has been delayed by staff reassignments.

There is presently no commitment by the partners to funding implementation of the Lake Management plans, when completed. Additionally, there is no State supported program within DEC.

OPPORTUNITIES TO STRENGTHEN:

There is a need to complete the reclassification of water bodies during 1996.

The triennial review of water quality standards must be completed, as well as changes required by the GLI.

In SFY 96/97 emphasis will be placed on completing the reclassification effort and the triennial review of water quality standards. Work will continue to make the additional changes required by the Great Lakes Initiative regulation.

Development of Lake Management Plans could be expanded to other lakes in the State.

II.B.1.d. National Pollutant Discharge Elimination System

STRENGTHS:

Even in the face of diminishing resources the NYS National/State Pollution Discharge Elimination System (N/SPDES) program stays focused on the most environmentally significant dischargers through proven, logical processes such as the permit issuance prioritization of the EBPS and compliance assurance/enforcement prioritization through WICSS. This has resulted in sustained high N/SPDES compliance rates among EPA major discharges in NYS and minimal impact by point sources on best use attainment within the State's receiving waterbodies.

WEAKNESSES:

The reality of diminishing resources and demands of regulatory reform makes it impractical to issue site-specific/specialized NPDES control mechanisms to all surface water discharges. Diminishing resources also make it impossible to perform comprehensive on-site inspections and reconnaissance inspections at every significant N/SPDES facility during the year or perform detailed oversight/audit of every local approved pretreatment program.

Permit development guidance is in need of revision to address phased TMDLs, pollution prevention principles, analytical detection issues and source reduction of BCCs.

OPPORTUNITIES TO STRENGTHEN:

The DEC will expand the use of the categorical general N/SPDES permit approach to insure regulatory control over discharges of less-significant environmental impact. DEC will review/refine inspection/surveillance guidance (TOGS) to insure a more performance-based inspection coverage at facilities needing the most regulatory attention. DEC will prioritize on-site Pretreatment Inspections/Audits based on review of pretreatment reports in coordination with EPA.

DEC will also develop up-to-date guidance (TOGS) for development of industrial and municipal SPDES permits, for consistency with GLI which will include source reduction strategies for BCCs, phased TMDLs, pollution prevention principles and strategies to address analytical detectability.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Produce revised guidance (TOGS) for development of industrial SPDES permit controls to include source reduction strategies for BCCs; phased TMDLs; pollution prevention; and analytical delectability strategies. Produce revised guidance (TOGS) for performance-based facility inspection coverage.

II.B.1.e. Wetlands Program

II.B.1.e.1. Freshwater Wetlands

STRENGTHS:

The New York State Freshwater Wetlands Program has a number of strengths as follows: 1) our regulatory maps are used to inform staff and the public of the location of regulated wetlands; 2) we regulate a 100-foot adjacent area around mapped wetlands; 3) a wide variety of activities occurring in and adjacent to wetlands are regulated under the law; 4) wetlands program staff members are located in each of nine regional offices throughout the State; 5) the wetlands program authority can be assumed by capable local governments; 6) there is a wetland classification system in place.

WEAKNESSES:

Weaknesses of the program include the following: 1) the maps contain numerous inaccuracies; 2) amendment of the regulatory maps requires a cumbersome and costly process including notification of each affected landowner; 3) the law has an outdated definition of wetlands that differs from the federal definition; 4) exemptions to regulation exist, 5) not all wetlands are regulated; 6) not all activities occurring in and adjacent to wetlands are regulated (i.e.,. subdivisions), 7) there is not enough staff to keep up with the program workload; 8) reducing the incidence of violations and enforcement of the law is often difficult.

OPPORTUNITIES TO STRENGTHEN: (General Implementation Strategy)

Some of the opportunities to strengthen the program include the following ongoing and upcoming initiatives: 1) regulatory reforms to streamline and improve the permitting process; 2) reduction of regulatory duplication through State programmatic general permits issued by the Corps of Engineers; 3) improved partnerships with the various State, federal and private agencies involved with wetlands (i.e.,. the mitigation banking agreement with NYSDOT); 4) development of water quality standards for wetlands; 5) development of a wetlands tracking system; 6) development of general, programmatic and standard activity

permits for certain regulated activities.

II.B.1.e.2. Tidal Wetlands

STRENGTHS:

The NYSDEC Tidal Wetlands (TW) Program has four major programs: 1) regulation of use, 2) preservation and management, 3) inventory, and 4) public information and education. When the program was initiated after passage of the TW Act in 1974, a complete inventory of the State's TW was conducted which remains a major resource and strength of the program. Since 1974, the regulation of activities in and adjacent to TW has resulted in virtual cessation of the loss of TW from human activities. There has been a remarkable change in the public perception of the value of wetlands, and there remains today widespread support for protection of wetlands from filling. There is also strength in that over 80 percent of the State's vegetated TW is in public ownership, and for the most part, these lands are set aside for preservation.

WEAKNESSES:

Although the agency's program has marginal capability to maintain State-owned TW, it has great shortcomings in its ability to conduct restoration and enhancement of TW on its own properties and to work in partnerships with owners and managers of other public and privately-owned TW. Many of the State's remaining TW are impaired from fill and flow restrictions. Great benefits would accrue from a stronger TW restoration and enhancement program.

The program has minimal capability to conduct public information and education activities about the benefits of and remaining risks to TW. Although the loss of TW acreage from human activities has virtually ceased, past and continued development still has a negative impact on TW from such sources as activities in adjacent areas and NPS. Reduction of these impacts could be enhanced through increased public awareness about these threats and actions that can be taken to prevent them.

Acquisition has been minimal in the last ten years. Public ownership of TW and dedication to preservation is the surest way to provide long-term benefits of TW.

A final weakness may be a lack of adequate protection for submerged aquatic vegetation (SAV) in the State's shallow waters. More needs to be known about the risks to SAV from human activities in order to take appropriate protection/restorative action with existing authority and/or to provide the basis for seeking authority for additional protection.

OPPORTUNITIES TO STRENGTHEN:

In the near future the greatest opportunity to strengthen the program in its weak areas will probably lie in the fostering of existing partnerships and the development of new ones. Additional funds will be helpful, and aggressive pursuit of funds is necessary, but a synergistic effect on production of TW benefits could accrue from working in more partnerships on TW restoration and public information and education activities. Partners would include other State, federal, and local agencies, as well as public groups/NGO's. Regarding acquisition, opportunities could be sought to acquire the remaining privately

owned TW using the EPF, federal funds and funds from NGOs and private donors. The Open Space Plan includes specific TW lands among the high priority properties for preservation in the State.

II.B.1.f. Dredged Material Management

STRENGTHS:

A dredging guidance (freshwater) manual has been prepared. It is for use by NYSDEC regional staff in reaching consistent dredging decisions in reviewing the State's permitted activities and in the 401 certification process. Guidance has been developed to categorize sediment as to disposal decisions. An experienced and competent staff is available to review particularly difficult projects.

WEAKNESSES:

The most significant impediment to dredging activities is the eventual disposal of the dredged material. Disposal options in the water, in riparian areas and on the land, need to be developed. Land disposal options of contaminated material are often the most limited. The numbers of samples and the required analyses are sometimes found to be costly by the applicant.

OPPORTUNITIES TO STRENGTHEN: (General Implementation Strategy)

Revised dredging guidance (freshwater) based on one-year's experience is nearing completion. Marine dredging guidance is needed and under development. The Department needs to work more closely with the applicants in defining and in finding appropriately protective disposal methods and sites. Criteria used to assess the degree of contamination of sediment to be dredged, particularly in marine waters, should be reevaluated. Maintain active participation in the HEP Dredged Material Forum and other ongoing activities to identify acceptable disposal sites.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Revise and re-issue freshwater dredging guidance and an Organization and Delegation Memorandum.

Develop draft marine water dredging guidance (to be done by the Division of Marine Resources).

Participate in Great Lakes and NY Harbor workshops and forums.

Assist in re-evaluating marine and freshwater sediment guidelines for the assessment of dredge spoil.

Assist in the identification of dredge disposal options.

Work closely with applicants, the Corps of Engineers, and the NY Harbor work groups and forums to find appropriate disposal sites.

II.B.1.g. Sediment Management

STRENGTHS:

An active program is underway to characterize sediment quality in the Great Lakes Basin and develop/maintain a sediment quality inventory. Additional areas in the State are being assessed in conjunction with other program needs such as Hazardous Waste Remediation. A trained, well-equipped and competent staff is available to accomplish these tasks.

WEAKNESSES:

There are many areas in the State where water quality is impacted by "contaminated" sediments. Most of these areas have not been studied to document actual impacts. State resources are not available to address this issue, except on an "environmental emergency" basis.

OPPORTUNITIES TO STRENGTHEN: (General Implementation Strategy)

Policy decisions are needed to determine future directions. Some sediment quality profiles indicate that much of the significant contamination has occurred from historical discharges, i.e. pre-1980s. Recently deposited surficial sediment is often of cleaner quality, indicating that ongoing regulatory programs are having an impact. There are limited funds to remove or remediate contaminated sediment. Problems arise when navigation or construction activities require removal of deeper, contaminated sediment or when high flows might scour these deposits. Future activities should include completion of the sediment inventory, prioritization of sediment deposits through the determination of actual or potential impacts, then a resolution of action which might include; no further activity (self cleaning or burial), referral to another agency or division (EPA or DHWR) for action or additional/periodic monitoring or source identification by DOW.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Participate in the Governor's task force for contaminated sediment.

Participate on the Harbor Estuary Program Management program with regard to finding alternatives for sediment disposal.

Manage portions of the national sediment inventory data base that are applicable to New York State.

Conduct field studies that detail the extent of sediment contamination.

Develop the expertise to assess environmental, economic, and social impacts of contaminated sediments.

II.B.1.h. State Revolving Fund

II.B.1.h.1. DEC Evaluation of Program

STRENGTHS:

NYS leads the Nation in the amount of State Revolving Fund (SRF) financing. Over 3.1 billion dollars in loans have been made to date. Cooperative efforts by a multitude of NYS agencies have resulted in consistent demands for a variety of project types.

New York State (NYS) has used an integrated Project Priority System (PPS) in prioritizing projects. This integrated system scores and ranks all projects using the same criteria. The result is prioritization of projects based on water quality factors without differentiation of type.

WEAKNESSES:

Many of the continuing problems threatening best usage of NYS waterbodies are from nonpoint source pollution. A greater flexibility may still be needed to realize the greatest SRF benefits for NPS and estuary projects. Although the trend in SRF financing has increased for NPS projects, the concern is that the water quality benefit and the correct balance of project types has not been reached.

OPPORTUNITIES TO STRENGTHEN:

A joint NYSDEC and NYSEFC grant proposal has been made with the intent to revisit the PPS and modify it as necessary so that the project ranking reflects the water quality benefits. The goal is a water quality based project priority system that includes Sections

212, 319 and 320 projects. HQ has notified Region 2 that $50,000 will be made available for this purpose from section 104(b)(3) funds.

Consistent federal appropriations should be sought for programs where co-funding financing agreements have been reached for hardships areas/projects.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Review project priority system to insure ranking and funding of projects consistent with NYS water quality objectives, both point source and nonpoint source related.

II.B.1.h.2. EFC's Evaluation of EPA/NYS Relationship

STRENGTHS:

The EPA Region 2 staff are very supportive of New York's SRF program. Administrative assistance is timely and reliable. Cap grant applications are acted on promptly.

WEAKNESSES:

On the national level the Congressional stalemate on reauthorization of the CWA has added uncertainty in the minds of NYS program administrators and the customers served. In reaction to lack of reliable, continued capitalization of the Fund, NYS decided to stretch available resources by returning to a one-third interest rate subsidy. This provides a 3 to 1 leveraging ratio. Split subsidy is expected to create documentation problems and additional administrative workload. The lower subsidy will make the program less desirable to borrowers.

The federal budget battle has stopped the commitment of grant and loan funds from other federal sources to communities eligible for SRF assistance. Approximately 60 percent of communities with SRF financial hardship projects rely on co-funding to make projects affordable. This has caused many communities to stop work on their projects.

NYSDEC has proposed to Region 2 that the SEQRA be used in lieu of SERP for Tier II (non-equivalency) Projects. This proposal is under active consideration in terms of the requirements of 40 CFR 35.3140(c) - Alternative State Environmental Review Process.

EPA HQ has not utilized the 1992 Needs Survey Report to Congress in adjusting the CWA allocation formula. The current formula does not reflect documented needs, nor anticipate the added needs in NYS for NPS and Estuary projects.

EPA HQ is exerting control over State SRF programs by imposing a national eligibility

framework.

OPPORTUNITIES TO STRENGTHEN:

EPA can assist the States by taking a leadership position in developing creative assistance mechanisms. Innovative financing solutions, such as the linked deposit program should be promoted.

EPA HQ can assist the States by examining expanded eligibilities for NPS and Estuary projects.

EPA Region 2 can act on our proposal for administrative relief from the SERP.

EPA Region 2 will award the Section 104(b)(3) assistance ($50,000) requested for the PPS project.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Support DEC efforts to improve State PPS. Accept SEQR as environmental review process for SRF Tier II projects.

II.B.1.i. Nonpoint Source Management

STRENGTHS:

Implementation of a Nonpoint Source (NPS) program in New York has required coordination of efforts among the various agencies who have a role to play. To foster this coordination, the NY NPS Coordinating Committee (NPSCC) was formed in 1990. This group, composed of representatives of 15 federal, State and regional agencies, meets quarterly to share information about each agency's programs. DEC, working with representatives of NPSCC agencies, has developed a series of management practices catalogues for each of the significant categories of NPS pollution in the State. In addition to statewide coordination, local level coordination has been achieved through County Water Quality Coordinating Committees. These county committees provide a forum for agencies that operate at the county level to interact and to discuss needs and priorities. This type of local priority setting has helped assure that implementation project proposals are well focused. Using a combination of federal and State funds, over 70 NPS implementation projects have been funded in the last 2 years.

WEAKNESSES:

The NPS Management Program, approved in 1990, contained a 4 year implementation schedule. We have now gone beyond the end of that schedule. There have been questions raised about the accuracy of the Division's Priority Waterbody List on which our assessment of the NPS problem in the State is based. Very little of the information presented in the assessment is based on monitoring information.

OPPORTUNITIES TO STRENGTHEN: (General Implementation Strategy)

An update of the NPS Management Program is needed. A more coordinated program to encourage local watershed planning would also be beneficial. Programs to measure success both functionally and environmentally are needed. Refine and implement the CZARA NPS Management program.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Work will begin on revising the NYS Nonpoint Source Management Program.

II.B.1.j. Data Management

STRENGTHS:

DEC continues to be a leader in State program use of the EPA PCS system. All required WENDB elements are maintained. NYS has one of the highest rates in the nation for PCS data acceptance. NYSDEC has pursued GIS development partnerships with USGS, EPA and other agencies to develop innovative techniques to develop new GIS coverages.

WEAKNESSES:

DEC relies heavily on DMR self-monitoring data to oversee N/SPDES compliance. Demands on DEC by NYS permittees to ease reporting burdens on the regulated community (regulatory reform) necessitate flexibility in the way DEC and, in turn, PCS can accommodate electronically transmitted data from both permittees choosing to do so and directly from certified labs doing analytical work for permittees.

There needs to be a more reliable sludge database in PCS.

A lot of needed information lacks locational data and existing locational data in PCS and other databases need QA/QC to meet accuracy standards.

OPPORTUNITIES TO STRENGTHEN:

NYSDEC, as part of an EDI pilot, will develop an EDI implementation plan. NYSDEC will continue to develop EDI capabilities beyond pilot project stage to accommodate interested permittees in accordance with this plan.

NYSDEC will continue to participate with EPA Headquarters and Region 2 in PCS EDI workgroups to ensure NYS EDI program is consistent with EPA's EDI efforts.

NYSDEC, with commensurate EPA support, will initiate development of a regional pilot for SPDES locational data and DOW will work within DEC to add attributes (under 104(b)(3) grant) of reach and waterbody classification.

DEC DOW has established facility level sludge data in PCS and will work with EPA to allow satisfaction of WENDB elements by ongoing reported sludge data.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

As both a contribution to the national EDI effort and a direct commitment to regulatory reform and better ways to conduct business with our regulated "customers" in NYS, DEC will complete the current EDI pilot with selected EPA major dischargers and, dependent on the feasibility level demonstrated by the pilot, will enter into an implementation mode for routine electronic transmission of N/SPDES DMR data.

II.B.1.k. Public Participation

STRENGTHS:

The Division of Water's Public Participation program has been strong on soliciting input through a structured process for planning and policy development since the mid 1980s. In the past five years, additional staff funded through grants and contracts have increased the section's capacity to provide in-depth support for DEC programs and projects involving external partners as diverse as the State and foreign governments through Lakewide Management Plans and the National Estuary Program, and with business, industry and counties through the interagency Nonpoint Source Coordinating Committee. Additionally, staff have developed long-range information and education campaigns to reach target audiences ranging from volunteers who patrol flood levees to county-level outreach specialists. A multi-year watershed campaign is in its second year. A Water Stewardship program now includes nearly 500 citizen organizations, local governments, businesses and industries, school and youth groups, and individuals.

WEAKNESSES:

While staff in the Central Office create the frameworks and plans for public participation, the agency lacks sufficient staff in the regions to establish direct contact with all of our present and potential partners. Much of the program's work is conducted by conference call because the time and funding for extensive travel are not available.

OPPORTUNITIES TO STRENGTHEN:

The Public Participation program will seek to increase the flow of information among constituents and between partners and appropriate DEC programs. Staff are already working with the network of county outreach specialists through the Water Quality Coordinating Committees to train them in public participation planning and techniques. More of this type of outreach could empower selected partners to conduct their own information, education and participation programs, with the end goals being strengthened working relationships, basin alliances and broad public participation in protecting New York's environmental resources. As the Office of Environmental Quality within DEC becomes more integrated, the opportunity to meld with other programs will enable the agency to conduct public participation with a broader scope.

II.B.2. Community-Based Environmental Protection Initiatives

II.B.2.a. Introduction

STRENGTHS:

Where the Division of Water (DOW) is working with community-based initiatives, they have proved to be a cost-effective way of engendering local activity and sharing information, for mutual benefit. An example, is the Citizens Statewide Lake Assessment Program, where volunteer members of lake associations are trained by DEC and the Federation of Lake Association staff to conduct water quality monitoring. The local associations spur member interest in monitoring and its results, and, after five years of participation, receive a lake management strategy based upon the monitoring. Although this is a program in which DEC has involvement specified and funded under State law, it can serve as an example of one possible type of partnership between the State, a non-profit Statewide group and local interests. Community-Based Environmental Protection (CBEP) Initiatives are a promising approach for extending the reach of DEC to achieve environmental improvements.

WEAKNESSES:

Currently, DEC involvement in CBEP initiatives takes the form of a DEC-lead role. The DOW is just starting to address the idea of a formal method for encouraging local entities to initiate and lead community-based projects. Consequently, DOW needs to formalize a strategy to outline the range of possible involvement and expectations from such partnerships.

These local entity-lead projects would be developed and implemented with DEC and/or EPA support. The DOW needs sufficient time to develop a well thought-out approach.

OPPORTUNITIES TO STRENGTHEN:

The DOW will develop a plan to strengthen existing partnerships and build new ones for community-based projects. This plan will specifically highlight activities to encourage local initiation and implementation of CBEP work. Public Participation techniques will be used to identify potential partners, by seeking new people and agencies and looking for projects on which they can work. A starting point will be the use of the Water Management Advisory Committee (WMAC). The regional basin teams currently being developed for the Lake Ontario basin, along with existing subdivisions of the State, such as DEC Regions or county Water Quality Coordinating Committees, could be the focal points for putting forward information about how local entities can take the lead on solving local problems. In addition, as watershed associations become organized around the State, they could also help to match problems and problem-solvers, structuring the dialogue between water programs and communities. DEC could help coordinate proposals, secure commitments and act as a clearinghouse for technical assistance and support. Both DEC and EPA could supply such assistance or support, as appropriate.

The strategy to be developed over the coming year will focus on working with representatives of these key groups: coordinators of basin teams in one or more regions; DEC Regional Water Engineers; regional coordinators for the State Soil and Water Committee, who oversee the county committees; and watershed associations. The outcome will be an agreed-upon approach and one or more pilot local-lead CBEP projects.

The DOW's Water Week outreach program, which is in year two of a multi-year focus on watersheds, will develop information and education materials on building watershed partnerships, for distribution in Spring 1997. The ultimate goal is to encourage the formation and activity of watershed alliances. This Water Week campaign targets teachers of grades 5 on up, local officials, civic and environmental groups, and technical advisors such as Cornell Cooperative Extension and county Water Quality Coordinating Committees. NYSDEC's Water Stewardship Program is another relevant facet, an on-going campaign to encourage and recognize local action to improve and protect waterbodies. Elements of the Water Week campaign could easily and logically be folded into the process of building CBEP, and vice versa.

The following pages present the self assessments for twelve ongoing, NYSDEC-lead, CBEP initiatives.

II.B.2.b. Great Lakes

II.B.2.b.1. Niagara River/Lake Ontario

STRENGTHS:

There have been reductions in the levels of some toxics in the Niagara River as observed at Niagara-On-The-Lake (NOTL).

There have been reductions in point source loadings of toxics that have been reported in DEC point source reports.

Remediations at the 26 most significant U.S. hazardous waste sites have reduced potential inputs from the sites by an estimated 25%. Scheduled remediation should reduce inputs by 80% by the end of 1996, and 99% by 2000.

Clean-up of tributaries associated with waste sites (Gill Creek, Bloody Run Creek, and Pettit Flume) have virtually eliminated a major source of dioxin (from Hyde Park), and reduced total loadings of PCBs from Niagara River to Lake Ontario by an estimated 20% (from Gill Creek).

Clean Sweep programs held in eight NY Niagara River/Lake Ontario basin counties resulted in the proper disposal of over 56,000 lbs of pesticides (including DDT and chlordane), dioxin, and arsenic.

The toxic sources track-down program has been successful in using passive samplers to identify potential PCB and mercury sources in sewers in the Buffalo River area, and in various tributaries in the Niagara River/Lake Ontario basins.

Recent studies show that lake trout are reproducing naturally in Lake Ontario for the first time in many years. Bald eagles that reside in the basin are also reproducing more successfully in recent years.

There is a concrete demonstration of commitment by the Four Parties that is manifest in the Declaration of Intent (DOI). The DOI has been the basis for supporting action by the Parties in both the Niagara River and Lake Ontario.

These programs provide an opportunity for reporting to the public through reports and meetings. Often, these opportunities have a high public visibility because of their bi-national nature.

The programs provide opportunities to share expertise and resources of staff within the Four

Parties.

The programs provide a forum for reaching Four Party agreement on issues. This avoids confrontation in public/media. Four Party agreement on technical issues builds credibility with the public.

The programs have taken a multi-media approach to water quality issues.

The Lake Ontario programs have taken an ecosystem approach.

WEAKNESSES:

There are limitations to the ability to drive actions beyond what would be required by regulatory programs.

Working in the Four Party process is resource intensive, in time and money, and requires compromise. There is the tendency for agreements to be at the least common level (i.e., broad not transferable to programs). Agency representatives at various levels are asked to "speak for" the agency thus coordination with other programs is needed.

Canadian agency resources have been focussed on problem assessment not implementation of reductions. U.S. resources have been more on the source identification and reduction activities. Is there an equal level of commitment to reductions?

These water quality management activities are not helping us resolve other water quality problems with more of a local concern (i.e.,.. stormwater, nutrients, sedimentation) vs the concerns associated with the international waters.

Niagara - The past commitment to 50% reduction has had problems associated with demonstrating achievement in a quantitative manner.

Niagara - The majority of sources have historically been identified as U.S. sources, therefore, the focus has been on U.S. sources. There is not an equal partnership in terms of implementation/action requirements for Lake Ontario Canadian sources.

Niagara - The nature of the system makes it difficult to link progress in source reductions of toxics to environmental gains, because of dilution/detection, short flow through times.

OPPORTUNITIES TO STRENGTHEN: (General Implementation Strategy)

Use forum to highlight progress in making environmental improvements.

Evaluate the effectiveness of the Canadian programs.

Acknowledge and identify the real authority/power of the program to drive reductions through stronger communication between these programs and the regulatory programs.

Sharing resources in workgroups i.e., joint representation on workgroups.

Use NYSDEC/EPA resources that are implementing actions associated with these programs to also address problems of local/State concern.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Try to minimize the resource demanding Four Party reports by utilizing single, annual, Four Party reports to the extent possible.

Niagara - There is an opportunity now to refocus the goals of the NRTMP and the progress indicators for the program.

II.B.2.b.2. Lake Erie

STRENGTHS:

This is a forum for coordination of many jurisdictions/agencies.

It is multi-programmatic in scope and it takes the ecosystem approach.

It appears to currently be a high priority at federal level.

There is some, limited, opportunity for reporting to the public.

The programs provide opportunities to share expertise and resources of staff within the Four Parties.

WEAKNESSES:

The program is very broad in scope. It appears to be an attempt at an ecosystem management plan.

It requires significant resources for the coordination/communication across the many programs involved. We (DEC/EPA, Region 2) don't have the resources to be active on every committee.

Lake Erie has a significant effect on New York's water quality but this issue seems to be secondary to natural resource issues. DEC and EPA Region 2 are not in control; often we are a minority in the management forum.

OPPORTUNITIES TO STRENGTHEN: (General Implementation Strategy)

Increase level of involvement by natural resource programs in the management structure.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Additional resources will be needed to coordinate DEC/EPA Region 2 involvement and assure that water quality issues are addressed.

II.B.2.b.3. Remedial Action Plans

STRENGTHS:

The program has taken a multi media/ecosystem approach to water quality related problem solving.

The Remedial Action Plans (RAPs) are a good summary of problems in AOC and all programs activities. They are a good foundation for a watershed planning process.

They provide an opportunity for local involvement via the CACs and Monroe Co.

WEAKNESSES:

In general, the RAPs are not meeting the expectation that there would be significant local support for implementation.

They have not been utilized by programs as a planning tool, as effectively as possible.

In some AOCs, dealing with contaminated sediments has been a barrier to progress.

OPPORTUNITIES TO STRENGTHEN: (General Implementation Strategy)

Improve communications between RAPs and other programs, including LaMP processes.

Establish measurable goals.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Try to strengthen DEC regional role.

Begin to focus on clarifying delisting criteria/mechanisms.

II.B.2.c. Onondaga Lake Management Conference

STRENGTHS:

The Onondaga Lake Management Conference (OLMC) has developed the Onondaga Lake Management Plan (OLMP) which identifies corrective actions for water quality remediation of Onondaga Lake, with respect to conventional pollutants. It acknowledges that Onondaga County is required under its judicial order on consent to submit an approvable MCP/DEIS for their Metropolitan Syracuse Wastewater Treatment Plant (METRO) and combined sewer overflows (CSOs) . The MCP/DEIS has been submitted and is under review by DEC with assistance from EPA. NYSDEC has recently issued a comprehensive modification to the SPDES permit for the METRO facility and the CSOs which addresses many outstanding issues related to toxic parameters, industrial pretreatment, biomonitoring, and best management practices for the CSO system. In addition, the Lake and related contaminated areas were listed on the NPL in December 1994. NYSDEC was selected by EPA to act as the lead agency for the Lake's remediation program.

Implementation has already begun with regard to a NPS control program and a pilot lake habitat restoration program as per the recommendations in the OLMP and available funding.

WEAKNESSES:

The MCP/DEIS submitted by Onondaga County is not in an approvable form and is in need of further revision. The SPDES permit and judicial order need to be revised to incorporate final requirements of the approved MCP. Also, the OLMP will need revision to include the recommendations of the approved MCP.

OPPORTUNITIES TO STRENGTHEN:

Onondaga County has submitted a draft MCP/DEIS to NYSDEC in accordance with the requirements of the judicial order. NYSDEC will continue in the review and SEQRA process until the MCP is approved and the FEIS is issued. NYSDEC will also issue the modification to the SPDES permit to incorporate the applicable requirements of the MCP. The judicial order will also be modified to incorporate the approved implementation schedule with implementation beginning on the Interim Actions.

The OLMP will be revised to be consistent with the approved MCP/DEIS. Available OLMC funds will be targeted to the revision of the OLMP. NYSDEC will continue Management and oversight of the OLMC grant and the OLCC contract. NYSDEC will coordinate with EPA on its management of the NPL site investigation and remediation.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Completion of the MCP will allow implementation of the interim recommendations of the MCP on METRO, CSO and a pilot in-lake aeration program. EPA and NYSDEC should continue working with the OLMC to identify and implement other priority actions in the overall OLMP.

II.B.2.d. Long Island Sound Study

STRENGTHS:

The Long Island Sound Program has made significant progress in controlling the discharge of nitrogen to Long Island Sound. Phase I nitrogen limits have been incorporated into permits and Phase II reductions have been initiated. Work has continued on ambient monitoring, completion of the LIS 3.0 Water Quality Model, revised D.O. targets and planning zone load allocations. In addition, progress has also been made in addressing toxics, pathogens and habitat protection.

WEAKNESSES:

The Long Island Sound Program has not focused on other issues of concern like contaminated sediment, toxics, pathogens and the development of strategies to improve water quality of the near coastal embayments. Outreach to other stakeholders beyond environmental advocates needs to be enhanced.

OPPORTUNITIES TO STRENGTHEN:

Continue to meet with permittees and local elected officials to identify problem areas and develop strategies to address concerns regarding the development of nitrogen targets.

Work with local governments to develop plan to protect and restore water quality in coastal embayments and to protect and restore habitat.

Continue recent efforts to broaden LISS scope including:

- development of habitat restoration targets
- development of embayment specific strategies
- update of Long Island Sound dredged sediment management plan

Develop system to track implementation of the CCMP and integrate with information on indicators e.g nitrogen loads, to assess programmatic and environmental progress

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Emphasis in SFY96/97 will be on the establishment of Phase III nitrogen targets.

II.B.2.e. NYC Watershed

STRENGTHS:

The NYSDEC is uniquely positioned to continue to assist EPA and the State Department of Health (DOH) in monitoring compliance with the Federal Surface Water Treatment Rule (SWTR) of the Federal Safe Drinking Water Act (SDWA) as it applies to the New York City water supply system. NYSDEC can also assist the New York City Department of Environmental Protection (DEP) in complying with the EPA Filtration Avoidance Determination (FAD) because NYSDEC implements the National and State Pollutant Discharge Elimination System (N/SPDES) permit program in New York, as well as other Federal Clean Water Act (CWA) programs, and because NYSDEC also implements the State Water Resources Law (Environmental Conservation Law Article 15). NYSDEC continues to be involved in the Governor's initiative to finalize a Memorandum of Agreement among the major stakeholders concerned with the DEP watershed protection program.

WEAKNESSES:

There remains a significant workload in completing and implementing a comprehensive final Watershed Memorandum of Agreement (MOA). Once the details of the agreement are final, implementation is likely to require the development of an enhanced monitoring program, an enhanced compliance assurance and assistance program, a State land acquisition program, total maximum daily loads (TMDLs) for each reservoir, and proposed SPDES permit modifications, among other things. Implementation is also likely to require enhanced coordination among EPA, DOH, NYSDEC, DEP and the Watershed communities. It is also likely to require development of a NYSDEC water supply permit to authorize the DEP Watershed land acquisition program. Dedicated NYSDEC resources to implement the MOA have not yet been allocated.

OPPORTUNITIES TO STRENGTHEN:

NYSDEC will work closely with EPA and NYCDEP to finalize the FAD and will also work closely with all stakeholders to finalize the Watershed MOA and to begin to implement the new and enhanced programs that will flow from the MOA. Where appropriate, NYSDEC will build on existing successful models such as the Watershed Enforcement Coordinating Committee (WECC) meetings, conducted by NYSDEC, and DEP, with attendance by EPA and DOH, to ensure adequate coordination. NYSDEC, will assemble a team of technical and legal staff dedicated to the Watershed initiative; this may require trade-offs elsewhere in the PPA.

NYSDEC will participate in finalization of the MOA and FAD, and will begin to implement MOA programs. NYSDEC will also continue to assist DEP in complying with the FAD and will develop a water supply permit for the land acquisition program. NYSDEC will also continue to implement relevant provisions of the 1993 NYSDEC-DEP MOU, including the WECC.

II.B.2.f. Peconic Estuary

STRENGTHS:

The Peconic Estuary Program (PEP) has made good progress in pulling together the necessary stakeholders for developing and implementing the Comprehensive Conservation and Management Plan (CCMP). An Action Plan has been prepared and demonstration projects are underway to address priority issues, including stormwater Management and shellfish resources, using funds available from a variety of sources [CWA § 104(b)(3), 319, 320, 604(b)] The Management Conference and other participants have renewed efforts to address the recurring Brown Tide. The State has adopted a nitrogen guideline for the estuary and "no net increase" permits are being put

in place for point sources, while a discharge restriction category designation is being investigated and water quality preservation policy prepared. An active CAC has prepared and is carrying out a comprehensive public participation campaign, including outreach through print, radio, and cable television, targeting residents (especially students) and local businesses.

WEAKNESSES:

Though there have been delays in preparing drafts of the CCMP, the participants are working to complete the Interim CCMP by July 1996 and the final CCMP by July 1997. Early work plans focused on water quality related tasks; an emphasis now needs to be placed on advancing the knowledge of the living resources of the estuary. Further delays in the award of FFY 1996 funds will lead to delays in completing work necessary to develop the CCMP on time. Finally, all work by all stakeholders related to Brown Tide research and Management needs to be coordinated to ensure efficient and effective use of resources.

OPPORTUNITIES TO STRENGTHEN:

Focus on the schedule for completing the CCMP.

Identify and fill gaps related to assessing and managing living resources.

Coordinate a comprehensive Brown Tide research and management effort at all levels of government and with the private sector.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

In SFY96/97 emphasis will focus on making progress in completing the CCMP.

II.B.2.g. NY/NJ Harbor Estuary/Bight Program

STRENGTHS:

The HEP has made significant progress in early implementation of management action such as the development of a site specific copper standard and the development of TMDLs and WLAs for metals discharges to the Harbor.

The CCMP has been approved by the Policy Committee and has been submitted to the Governors of New York and New Jersey, and to the EPA Administrator for approval.

DEC has been an active participant in all work groups.

WEAKNESSES:

New York State and EPA commitments in the CCMP include dedicating substantial base program resources to specific actions in the plan. Full implementation of the commitments in the CCMP is based on continued funding of EPA and New York State base programs at current levels. Unfortunately, funding at current levels is not assured. This includes continuing the management conference and tracking CCMP implementation.

OPPORTUNITIES TO STRENGTHEN:

There is a need to establish a HEP Office to coordinate and monitor implementation activities. HEP needs to develop a monitoring and tracking system to insure the priority commitments and recommendations are implemented.

Focus on implementation of EPA and DEC's commitments referenced in Section III, "NY/NJ Harbor Estuary/Bight", including creation of a HEP Office.

PRIORITY AREAS TO STRENGTHEN IN 96/97:

Emphasis in SFY96/97 will focus on implementation of EPA and NYSDEC commitments contained in the CCMP and the development of a monitoring and tracking system.

II.B.2.h. Citizen Statewide Lake Assessment Program

STRENGTHS:

Citizen Statewide Lake Assessment Program (CSLAP) forges a strong linkage between government and the private sector by encouraging and training lay people to collect the information necessary to effectively manage their community water resources. Furthermore, it links multiple State agencies with local governments and lake associations, providing data required by government to assess water quality conditions throughout the State, and providing education and technical guidance to lake front property owners about lake ecology and lake management. CSLAP gathers information not otherwise available to government and lake managers, and does so at a minimal cost to the program partners.

WEAKNESSES:

This program does not possess sufficient resources to collect all the information necessary to comprehensively understand specific lake issues, nor is it able to satisfy the demand from many NYS lake communities to participate in the program or expand their informational bases. CSLAP has not yet been fully expanded to provide adequate technical assistance needed by many NYS lake communities drafting comprehensive lake Management plans. Resource and technical limitations prevent expansion of CSLAP into a more complete watershed monitoring program. Present resources limit the number of lakes to about 75. An optimal number for the program would be about 125 to 150.

OPPORTUNITIES TO STRENGTHEN:

The opportunity exists to strengthen CSLAP in several ways. Additional resource allocation (particularly analytical support) would allow for increasing participation by as much as 50%. There have been preliminary discussions about expanding CSLAP to include lakes within the NYC Watershed, the Finger Lakes region and in several urban settings, and for increasing participation in State parks and near-shore sites on the Great Lakes. A grant application submitted to EPA to extend the CSLAP to middle school students is pending with EPA. Enhanced cooperation with the NYS Lake Management Forum will improve the ability to affect local management decisions prompted by participation in CSLAP.

II.B.2.i. Finger Lakes

STRENGTHS:

At present, the Division of Water maintains an annual cooperative agreement of approximately one million dollars with the Finger Lakes Association Water Resources Board (FLA/WRB). The funding is solely from the State budget, although efforts are made to augment these activities with federal funds, as individual projects are proposed by the member counties of the FLA/WRB. Each county in the Finger Lakes region prepares a workplan for items that may include water quality monitoring, aquatic vegetation management, nonpoint source planning and implementation. Several counties have prepared State of the Lake reports and preliminary management plans for specific lakes. The EPA provided $60k in FY'95 funds to Owasco Lake to implement nonpoint source Best Management Practices throughout its watershed, including bank stabilization and the development of greenbelts. Additionally, $60k was awarded to Skaneateles Lake for agricultural nonpoint source water pollution abatement implementation projects for on-farm Best Management Practices.

WEAKNESSES:

The Finger Lakes region is quite large and rich in water resources. It contains the eleven large lakes (Cayuga, Seneca, Skaneateles, Otisco, Owasco, Keuka, Honeoye, Hemlock, Canandaigua, Conesus and Canadice) plus numerous smaller lakes and ponds with public access. Often, an individual county's annual share of the State program is less than $50,000/ year. Although some of counties conduct special water quality studies on specific catchments and lakes, there is no synoptic sampling of the lakes in the region. An overarching State of the Lakes report should be prepared for the eleven lakes and their watersheds. Each lake and its watershed should also have a Management Plan prepared over a ten year time frame.

OPPORTUNITIES TO STRENGTHEN:

This program may be expanded to include all counties in the Great Lakes region of the State, if funds allow. A synoptic sampling program of the eleven large lakes will be conducted jointly during 1996, in cooperation with local research institutes and local governments. Each lake will be sampled 3 to 4 times during the summer for conventional water quality parameters and sediment chemistry. With additional funding, this program could be expanded to include more frequent sampling, sampling of toxics and tributary chemistry. A survey of public perception of the water quality of the lakes will be conducted. A "State of the Finger Lakes" semi-technical document will be prepared in draft. The purpose of this document will be to describe the present ecological and socio-economic condition of the lakes and their watersheds.

II.B.2.j. Lake Champlain Management Conference

STRENGTHS:

The Lake Champlain Management Conference has developed a draft comprehensive management plan (*Opportunities for Action*, 1994) for Lake Champlain and its watershed. A final version of the plan is scheduled to be completed in 1996. The plan makes a number of specific recommendations for protecting and restoring the Lake, from a wide variety of perspectives, including eutrophication, toxics, non-point source management and fisheries management. The State of New York has provided additional funding to augment this effort. A Long-Term Monitoring program for the Lake has been conducted for the last five years. Activities to date include an assessment of alternative technologies for phosphorus reduction at the Lake Placid STP, a study of toxics in urban wastewater and a preliminary assessment of PCB cycling in Cumberland Bay and the Lake proper.

WEAKNESSES:

Implementation of the recommendations in the Plan could be costly and the exact funding mechanisms have not been identified. The present federal budget problem may lead to a gap in funding of vital activities, such as the monitoring program, during 1996. The Long-Term Monitoring Program provides the water quality data needed to fine tune Management decisions and assess the success of future implementation efforts. At present, the draft Plan is lacking a phosphorus implementation strategy that is acceptable to NY, VT and EPA, but this should be resolved shortly.

Additionally, the plan focuses on two additional high priorities; toxics and nuisance aquatics. Funding for these items has not been presently identified. However, these priorities are very important to the Lake Champlain Drainage Basin and NYS. A total of 170 recommendations are included in this very comprehensive, long-term management plan for Lake Champlain, requiring the identification of key priorities and supporting monetary commitments from State and federal agencies.

OPPORTUNITIES TO STRENGTHEN:

If funds are available, New York State should continue activities, like the Long Term Monitoring Program and additional studies of PCB cycling in Cumberland Bay and the Lake proper. The Plan must be completed in a timely fashion.
Federal and State dollars are critical for the implementation of the Plan, and to provide the momentum and focus for resources being dedicated to the Lake Champlain Drainage Basin.

SECTION III. STRATEGIC PLAN

The Strategic Plan details the work that the Division of Water and the EPA Region 2 are planning to accomplish between April 1, 1996 and March 31, 1997 (New York State's fiscal year). The previous section identified the various immediate and long term opportunities we saw that would strengthen our programs and our CBEP initiatives. The immediate and near term opportunities have been incorporated into this year's Performance Partnership Agreement. The remaining opportunities will be re-evaluated next year when the PPA is renewed and if still appropriate, incorporated into the next agreement.

Embodied in the PPA are numerous planned outputs with target dates. Accountability will be based on the discrete list of environmental and programmatic indicators that is included in Section IV**:** Selected Program Performance Measures and Environmental Indicators.

Both the DOW and the EPA will seek to accomplish these planned outputs by the target dates. However, factors that are not in our control, such as budgets of both the federal and State government as well as the staffing levels and non-personal service funds related to these may impact on our abilities to timely achieve all of the outputs.

It is our belief that all of the initiatives will lead to improvements in the environmental indicators but some will have more impact and have a higher priority than others. Our priority process, as to which initiatives are completed and which are postponed or delayed, will be based on joint consultations between the NYSDEC and the EPA as full partners in New York's surface and groundwater protection program. However, under the basic premise of the National Performance Partnership Program, the State will have primacy in determining the priority surface water and groundwater protection issues within New York State.

Under the Performance Partnership Agreement, the State will use the flexibility granted it by the EPA to assure that the most important initiatives, i.e., those with the biggest impact on the environment, are fully funded and carried out. The EPA will assure that we have chosen the initiatives correctly by its review of the program measures and environmental indicators described in Section IV: Selected Program Performance Measures and Environmental Indicators.

III.A. BASE PROGRAMS

III.A.1. Underground Injection Control[2]

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
EPA ACTIVITIES: COMPLIANCE AND ENFORCEMENT - CLASS V WELLS ○ IDENTIFY AND REGULATE FACILITIES OPERATING ENDANGERING SHALLOW INJECTION WELLS - FOCUS ON LONG ISLAND, PRIMARY/SOLE SOURCE AQUIFER AREAS, AND NEW YORK CITY WATERSHED UTILIZING GIS FOR INSPECTION TARGETING (ONGOING) - ENSURE CLEAN CLOSURE OR ISSUE PERMITS AS APPROPRIATE - ENFORCE AGAINST RECALCITRANT OWNER/OPERATORS AS NECESSARY ○ ENSURE COMPLIANCE OF WELLS AUTHORIZED BY RULE OR BY PERMIT - COMPLIANCE REVIEWS - TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE - FOCUS ON SIGNIFICANT NON-COMPLIERS ○ USE SDWA § 1431 EMERGENCY ORDERS IN CASES OF IMMINENT AND SUBSTANTIAL ENDANGERMENT ○ MULTIMEDIA ENFORCEMENT - PARTICIPATE IN Region 2 MULTIMEDIA INSPECTIONS (EPA) - FOLLOW-UP ENFORCEMENT ACTIONS AS APPROPRIATE	○ LIMITED ACTIVITY ON CLASS V WELLS IN AREAS NOT GEOGRAPHICALLY TARGETED ○ DECREASED CLASS IIR, III INSPECTIONS. REDUCED CLASS IIR, III COMPLIANCE REVIEW FREQUENCY	○ FOLLOW-UP ENFORCEMENT ACTIONS AS APPROPRIATE IN MULTIMEDIA AQUIFER PROTECTION PROJECT AREAS FROM PRIOR FISCAL YEARS (EPA) ○ NEW YORK CITY WATERSHED INITIATIVE - FOLLOW-UP ENFORCEMENT ACTIONS AS APPROPRIATE

[2] The UIC program is not delegated to NYS, therefore all identified activities are funded by state funds or are carried out by EPA Region 2 staff.

III.A.1. Underground Injection Control[2]
(CONT.)

BASE PROGRAMS	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
PERMITTING: ○ ISSUE PERMITS TO NEW, HIGH PRIORITY CLASS V WELLS ○ MODIFY EXISTING PERMITS AS NEEDED ○ REGULATE CLASS II AND III INJECTION WELLS MANAGEMENT OF CLASS II & III WELLS ○ ISSUE CONSTRUCTION/OPERATION PERMITS FOR NEW CLASS II, III WELLS ○ ENSURE COMPLIANCE WITH OPERATING REQUIREMENTS: MECHANICAL INTEGRITY, MAXIMUM INJECTION PRESSURE, AREA OF REVIEW/CORRECTIVE ACTION, INJECTION FLUID SOURCE, COMPOSITION, AND SUBSIDENCE MONITORING (CLASS III) ○ TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE ○ FOCUS ON SIGNIFICANT NON-COMPLIERS ○ USE SDWA § 1431 EMERGENCY ORDERS IN CASES OF IMMINENT AND SUBSTANTIAL ENDANGERMENT DEC ACTIVITIES ○ DRILLING PERMITS FOR NEW WELLS INCLUDING: - CASING AND CEMENTING REQUIREMENTS - FINANCIAL SECURITY - SUBSIDENCE MONITORING REPORTS (CLASS III) ○ ENSURE COMPLIANCE THROUGH INSPECTIONS AND REPORT REVIEWS		

[2]The UIC program is not delegated to NYS, therefore all identified activities are funded by state funds or are carried out by EPA REGION 2 staff.

III.A.2. Groundwater Management

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
JOINT ACTIVITIES ○ COORDINATE ON NEW WELL PERMITTING REQUIREMENTS INCLUDING AREA OF REVIEW, MAXIMUM INJECTION PRESSURE ○ ENSURE PROPER, TIMELY PLUGGING AND ABANDONMENT OF CLASS II WELLS IN ACCORDANCE WITH 1991 DEC/EPA MEMORANDUM OF AGREEMENT ○ ENSURE PROPER, TIMELY PLUGGING OF CLASS III WELLS DEVELOP COMPREHENSIVE STATE GROUND WATER PROTECTION PROGRAM (CSGWPP) ○ COORDINATE THE PROVISION OF TECHNICAL ASSISTANCE TO STATE AGENCIES IN DEVELOPMENT AND IMPLEMENTATION OF CSGWPPS (EPA). ○ FINALIZE CSGWPP TO GET CORE PROGRAM ENDORSED BY EPA (DEC). ○ COORDINATE WITH THE NPS AND 604(B) PROGRAMS (DEC). ○ PROVIDE COPY OF NPS/GROUND WATER MANAGEMENT PROTOCOL (EPA). **EPA'S GROUND WATER STEERING COMMITTEE** ○ CONDUCT PEER REVIEW OF DEC CSGWPP PRODUCTS. ○ IMPLEMENT RECOMMENDATIONS IN THE REGIONAL REVIEW INCLUDING MSDE DATABASE DEVELOPMENT (SHARE DATABASE PRELIMINARY DESIGN WITH DEC). - PROVIDE TECHNICAL ASSISTANCE TO DEC.		

III.A.2. Groundwater Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
<u>DEVELOP, COORDINATE & IMPLEMENT SOURCE PROTECTION PROGRAM FOR WATER SUPPLIES</u> ○ CONTINUE TO DEVELOP WELLHEAD PROTECTION (WHP) PROGRAM GUIDANCE FOR REGIONAL OFFICES AND LOCAL WATER PURVEYORS. FIRST ELEMENTS OF GUIDANCE TO BE COMPLETED BY 7/96 (DEC). ○ REPORT TO EPA ON WHP ACTIVITIES IN BIENNIAL REPORT DUE 10/97 (DEC). ○ PROVIDE GUIDANCE TO DEC ON BIENNIAL REPORT BY 2/97 (EPA). ○ WORK WITH LOCAL AUTHORITIES TO HAVE THEM INITIATE ONE OR MORE WHP PROJECTS AT THE LOCAL LEVEL (DEC). PROVIDE SUMMARY OF MEETINGS TO EPA (DEC). ○ PROVIDE CONSULTATION AND TRAINING ON IMPLEMENTING WHP PROGRAMS FOR REGIONAL OFFICES (DEC). ○ REVISE TOGS TO ENCOURAGE WHP FOR NEW WATER SUPPLY WELLS (DEC). ○ IDENTIFY FUNDING OPPORTUNITIES FOR LOCAL GOVTS. (EPA). ○ COMPLETE ACTIVITIES IN MMAPP AREAS (EPA). ○ DEVELOP GIS CAPABILITIES AT LOCAL LEVEL AND COORDINATE WITH DEC (EPA).		

III.A.2. Groundwater Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
SOLE SOURCE AQUIFER PROGRAM ○ DESIGNATE NEW SSA AREAS, AS APPROPRIATE, IN RESPONSE TO PETITIONS. (EPA, WITH STATE INPUT) ○ REVIEW FEDERALLY-FUNDED PROJECTS IN DESIGNATED SSA AREAS (EPA) ○ CORTLAND-HOMER-PREBLE,NY CATTARAGUS CREEK, NY CLINTON ST.-BALLPARK, NY SCHENECTADY/NISKAYUNA,NY BROOKLYN/QUEENS, NY NASSAU/SUFFOLK, NY ASSIST REGIONAL OFFICES WITH GROUND WATER ISSUES (DEC) ○ DEC WILL ISSUE AN SNC REPORT ON SOLE SOURCE AQUIFER AREAS. ○ PRESENT PROGRAM IN DEC REGION 3, TO NOTIFY EPA WHEN CLASS V WELLS ARE DISCOVERED, WILL BE EXPANDED TO OTHER DEC REGIONS AS CONDITIONS ALLOW.	○ SCREEN PROJECTS IN DESIGNATED SSAs. DO NOT REVIEW UNLESS PROJECT CAN MITIGATE SIGNIFICANT ADVERSE IMPACTS TO GROUND WATER.	

III.A.3. Surface Water Quality Management

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
CWA SECTION 305(B) REPORTS ○ DEVELOP BIENNIAL STATE-BY STATE, WATER QUALITY INVENTORY REPORTS TO ALLOW EPA AND THE STATES TO SUMMARIZE WATER QUALITY IMPROVEMENTS, CURRENT STATUS AND REMAINING PROBLEMS.(4/96) - MUST BE A USEFUL TOOL FOR COMMUNICATING WITH THE PUBLIC. - MUST ASSIST EPA AND THE STATES IN ESTABLISHING PRIORITIES TO BE ADDRESSED IN JOINT STRATEGIC PLANS. - MUST INCLUDE WATER QUALITY ASSESSMENT MATRICES, JOINTLY DEVELOPED BY EPA AND DEC, TO BE INCORPORATED IN THE STRATEGIC PLAN. - MATRICES INCLUDE STATE TARGETED WATERS, AS APPROPRIATE. - MUST PROVIDE NECESSARY INFORMATION TO ALLOW EPA TO PREPARE NATIONAL WATER QUALITY INVENTORY REPORT.		

III.A.3. Surface Water Quality Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
CWA SECTION 303(C): SURFACE WQS ○ STATE SUBMITTAL OF WATER QUALITY STANDARDS REVISIONS (3/97). ○ NYSDEC WILL ADOPT CRITERIA OR GUIDANCE VALUES, APPLICABLE IN THE GREAT LAKES BASIN, WITHIN THE TIMEFRAME SPECIFIED BY THE FINAL GREAT LAKES WATER QUALITY INITIATIVE REGULATION.(4/97) ○ NYSDEC WILL ADDRESS THE PROTECTION OF HUMAN HEALTH FROM EXPOSURE THROUGH THE CONSUMPTION OF CONTAMINATED ORGANISMS FOR ALL OTHER WATERS OF THE STATE. NYSDEC WILL DETERMINE WHETHER THE GLWQI BCC HUMAN HEALTH BASED CRITERIA ARE APPROPRIATE FOR FRESH WATERS OUTSIDE OF THE GREAT LAKES BASIN. IF APPROPRIATE, THE GLWQI NUMBERS WILL BE ADOPTED FOR THESE WATERS, OR IF INAPPROPRIATE, CRITERIA OR GUIDANCE VALUES FOR BCCS OUTSIDE OF THE GREAT LAKES BASIN WILL BE DEVELOPED AND ADOPTED DURING THIS TRIENNIUM. ○ SIMILARLY, HUMAN HEALTH BASED CRITERIA OR GUIDANCE VALUES FOR MARINE WATERS WILL BE DEVELOPED AND ADOPTED DURING THIS TRIENNIUM.	○ LIMIT EFFORTS ON BIOLOGICAL INDICATORS TO THOSE CURRENTLY UNDERWAY UNDER THE AUSPICES OF THE LAKE ONTARIO TOXICS MANAGEMENT PLAN AND THE NY/NJ HARBOR ESTUARY PROGRAM. ○ NYSDEC RESERVE THE RIGHT TO PROPOSE TRADE-OFFS FOR THIS ACTIVITY AS NECESSARY.	NEW YORK/NEW JERSEY HARBOR ○ ADOPT SITE-SPECIFIC WATER QUALITY STANDARD FOR COPPER (DEC). (3/97) PROGRAMMATIC INITIATIVE ○ IMPLEMENT THE PROPOSED GLWQI HUMAN HEALTH CRITERIA FOR BIOACCUMULATIVE CHEMICALS OF CONCERN AS NEW YORK State GUIDANCE VALUES (DEC/EPA). (3/97) - FOCUS ON THOSE BCCS THAT ARE SUBSTANCES OF CONCERN IDENTIFIED IN THE NIAGARA RIVER/LAKE AND ONTARIO TOXICS MANAGEMENT PLANS. (3/97) - BIOACCUMULATION-BASED CRITERIA FOR THOSE SUBSTANCES OF CONCERN SHOULD BE ADOPTED AS PART OF THE NEXT TRIENNIAL REVIEW/REVISION IN 1996. (3/97) PECONIC ESTUARY PROGRAM ○ EVALUATE THE APPROPRIATENESS OF DISCHARGE RESTRICTION CATEGORY DESIGNATION FOR NITROGEN FOR THE SYSTEM (DEC) (6/96) ○ ADOPT 0.5 mg/L NITROGEN GUIDELINE FOR TIDAL PORTION OF THE PECONIC RIVER AND FLANDERS BAY (DEC)(COMPLETE) ○ DEVELOP NON-DETERIORATION POLICY FOR THE EASTERN PECONIC SYSTEM IN A TIME FRAME CONSISTENT WITH PECONIC ACTION PLAN (DEC;EPA) (7/96)

III.A.3. Surface Water Quality Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
CWA SECTION 303(C): SURFACE WQS (CONT.) ○ COMPLETE RECLASSIFICATION PROCESS IN FY'96 CWA SECTION 303(D): TMDLs, WLAs AND LAs ○ CONTINUE TO OPERATE TMDL/WLA PROGRAM IN NEW YORK STATE (DEC). ○ IMPLEMENT TMDLs/WLAs/LAs FOR ALL 303(d) LISTED WATERS IDENTIFIED AS HIGH PRIORITY WATERS, INCLUDING THOSE WATERS ON THE SECTION 303(D) LISTS FOR WHICH MANAGEMENT CONFERENCES HAVE BEEN ESTABLISHED SUCH AS LAKE ONTARIO, ONONDAGA LAKE[#], LAKE CHAMPLAIN[#], NEW YORK/NEW JERSEY HARBOR, LONG ISLAND SOUND AND PECONIC BAY. THE NEED FOR TMDL DEVELOPMENT FOR THESE WATERS, WILL BE DEVELOPED THROUGH MULTI-YEAR EFFORTS AND IMPLEMENTED WHEN EPA/DEC (AGREE THAT A PLAN HAS PROCEEDED FAR ENOUGH FOR NEW OR REVISED TMDLs TO BE INITIATED/COMPLETED: - SUBMIT ALL DRAFT/FINAL AND PUBLIC NOTICE TMDL/WLA/LA (DEC). - REVIEW FOR APPROVAL (EPA).		GREAT LAKES ○ DEC CONDUCTS THE SPECIAL EFFORT, UNDER THE STATE'S ENVIRONMENTAL BENEFIT PERMITTING STRATEGY, TO EMPLOY EEQ-BASED LIMITS FOR BCCs FOR SELECTED PRIORITY DISCHARGES USING BPJ-BASED PERMIT MODIFICATIONS. (EPA/DEC) ○ IMPLEMENT ANTIDEGRADATION (DEC/EPA) (4/97) - DEC IMPLEMENTATION IN THE GREAT LAKES BASIN ACCORDING TO THE FINAL GLG (NO LATER THAN 2 YEARS AFTER THE FINAL GLG IS PUBLISHED) (4/97) - IDENTIFY TRADE-OFFS AS NECESSARY

[#] MANAGEMENT CONFERENCES HAVE BEEN CONVENED FOR LAKE CHAMPLAIN AND ONONDAGA LAKE, AND THESE CONFERENCES ARE INVESTIGATING THE NEED FOR TMDLs AND WLAs FOR THE LISTED POLLUTANTS. NEW YORK STATE ACKNOWLEDGES THAT TMDLs MAY STILL BE DEVELOPED FOR THESE WATERBODIES. TMDL DEVELOPMENT WILL BE PURSUED IN CONCERT WITH THE EFFORTS OF THE RESPECTIVE MANAGEMENT CONFERENCES.

III.A.3. Surface Water Quality Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
○ DEC WILL FINALIZE PUBLIC NOTICE AND SUBMIT THE 1996 303(D) LIST TO EPA (5/96). ○ WORK WITH EPA TO DEVELOP, AS NECESSARY, PHASE II, TMDLs/WLAs/LAs FOR THE APPLICABLE TOXIC METALS IN THE HARBOR (DEC). ○ DEC WILL CONTINUE TO WORK WITH EPA TO DOCUMENT NEW YORK STATE'S PROGRAM ACTIVITIES RELATED TO SECTION 303(d) OF THE CLEAN WATER ACT TOWARDS THE SETTLEMENT OF LITIGATION OF THE LAWSUIT.		NEW YORK/NEW JERSEY HARBOR: IMPLEMENT, AS NECESSARY, PHASE I AND COORDINATE IN THE DEVELOPMENT OF PHASE II TMDLs/WLAs/LAs FOR TOXIC METALS (EPA/DEC). LONG ISLAND SOUND: DEVELOP TMDLs/WLAs/LAs FOR NITROGEN (EPA/DEC). GREAT LAKES: ○ IMPLEMENT ACTIONS CONSISTENT WITH THE PROPOSED REVISED GOAL OF THE NRTMP TO REDUCE TOXIC CHEMICALS IN THE NIAGARA RIVER BY REDUCING INPUTS FROM SOURCES ALONG THE RIVER. ○ USE OR IMPROVE MODELS TO ASSIST IN ANSWERING MANAGEMENT QUESTIONS. - RELATIVE SOURCE CONTRIBUTIONS - EFFECTS OF LOAD REDUCTION ACTIONS OVER TIME - PREDICTIONS OF FUTURE CONDITIONS. ○ USE TMDLs/WLA TO SUPPORT LAKE ONTARIO LAMP LOAD REDUCTION STRATEGIES.

III.A.3. Surface Water Quality Management (CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
CWA SECTION 314: CLEAN LAKES PROGRAM ○ EFFECTIVE IMPLEMENTATION OF THE CLEAN LAKES PROGRAM, FOCUSING ON PROJECTS WITH ACHIEVABLE ENVIRONMENTAL BENEFITS. - PRIORITY FOR § 314 FUNDING WILL BE FOR PHASE I (DIAGNOSTIC/ FEASIBILITY) STUDIES. - PHASE II IMPLEMENTATION EFFORTS SHOULD BE COMPLETED WITH OTHER FUNDS (I.E., FUND ELIGIBLE FOR WATERSHED ACTIVITIES UNDER § 319). NOTE: AT PRESENT, IN-LAKE RESTORATION IS INELIGIBLE FOR § 319 FUNDING. STATE NPS MANAGEMENT PLAN WOULD NEED TO BE MODIFIED TO INCLUDE IN-LAKE ACTIVITIES. EPA ○ IMPLEMENT THE CAA PERMITTING PROGRAM TO REDUCE SULFUR EMISSIONS FROM DESIGNATED FACILITIES (POWER PLANTS) BEGINNING IN 1995. ○ REVIEW EPA-HQ'S RECENTLY COMPLETED TEN YEAR STUDY ON ACID RAIN AND SHARE THE FINDINGS, RESULTS, CONCLUSIONS WITH NYSDEC FOR POSSIBLE USE AS A BASIS FOR PROGRAM DIRECTION/DEVELOPMENT (EPA/DEC).		○ CONTINUE AMBIENT MONITORING TO DETERMINE THE EFFECTS OF ACID RAIN ON WATER QUALITY IN NEW YORK STATE (EPA/DEC). ○ CONTINUE TO PROVIDE THE STATE WITH ONGOING RESEARCH RELATED TO ACID RAIN. (E.G., EPA-HQ IS CURRENTLY BEGINNING A SECOND TEN YEAR STUDY ON ACID RAIN) (EPA/DEC).

III.A.3. Surface Water Quality Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
AMBIENT MONITORING ○ CONTINUE ANNUAL EPA/DEC PROGRESS MEETINGS. ○ CONTINUE TO REVIEW CURRENT SURFACE WATER QUALITY MONITORING EFFORTS TO ENSURE THAT THEY EFFICIENTLY AND EFFECTIVELY SUPPORT BASE PROGRAMS AND INITIATIVES. ○ CONTINUE THE EVALUATION OF CURRENT PROGRAMS INCLUDING THE RIBS, AS WELL AS, MONITORING OVERSIGHT, ANALYTICAL SUPPORT AND 305(B) REPORT QUALITY. ○ THE FOCUS OF THE MEETINGS WILL BE EXPANDED TO INCLUDE DISCUSSION OF: - AMBIENT MONITORING NEEDS IN MARINE WATERS (BUREAU OF MARINE RESOURCES IS THE NYSDEC LEAD). - BUILD ON NEP PROGRAM RECOMMENDATIONS. - SHELLFISH WATERS CONTAMINATED BY STORMWATER (NATIONAL LEVEL SCIENCE ADVANCE NEEDED). THE PARTICIPANTS WILL DEVELOP PRACTICAL AGREEMENTS THAT LIE WITHIN PROGRAM RESOURCES. ○ DEVELOP STATEWIDE MONITORING STRATEGY (9/96)		GREAT LAKES ○ USE THE R/V LAKE GUARDIAN TO COLLECT DATA ON ECOSYSTEM INDICATORS ASSOCIATED WITH THE LAKE ONTARIO LaMP. EXAMPLE: SPORT FISH TISSUE ○ COLLECT SEDIMENT CORES IN THE ROBERT MOSES POWER POOL TO ESTABLISH CONTAMINANT TRENDS. ○ CONDUCT BIOMONITORING ACTIVITIES IN SUPPORT OF THE NRTMP. EXAMPLES: SPOTTAIL SHINERS, MACROINVERTAEBRATES.

III.A.3. Surface Water Quality Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
WATER QUALITY MANAGEMENT PLANNING 604(b) ○ AS PART OF THE CONTINUOUS PLANNING PROCESS (CPP) DEC WILL CONTINUE TO SUMMARIZE AND IDENTIFY ELEMENTS OF EXISTING STATE PLAN; INCORPORATE THE FOLLOWING INTO THE WQMP UPON COMPLETION: - RAPs, - LaMPs, - CCMPs, - NYBRP, - PLANS DEVELOPED BY LAKE ONONDAGA AND LAKE CHAMPLAIN MANAGEMENT CONFERENCES. ○ INCORPORATE OTHER APPROVED PLANS, AS APPROPRIATE, AND ○ INCORPORATE EARLY OUTPUTS OF THESE PLANNING PROCESSES AS APPROPRIATE. ○ EPA WILL WAIVE ITS FINAL PASS THROUGH PROJECT REVIEW RESPONSIBILITY AND ALLOW NYSDEC TO SERVE AS THE FINAL REVIEW AND APPROVAL AUTHORITY, AS APPROPRIATE, ON ALL PASS THROUGH PROJECTS CONSISTENT WITH THE PRINCIPLES OUTLINED IN THE MEMORANDUM OF AGREEMENT (APPENDIX 6).		

III.A.4. National Pollutant Discharge Elimination System Program

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
PERMITTING ○ TIMELY RENEWAL OF NPDES PERMITS, INCLUDING ADMIN. RENEWALS, IN ACCORDANCE WITH ENVIRONMENTAL BENEFIT PERMIT STRATEGY (EBPS). (DEC) ○ ISSUANCE OF NEW PERMITS FOR NEW SOURCES/NEW DISCHARGES. (DEC) ○ ISSUANCE OF INDIVIDUAL MUNICIPAL STORM WATER PERMIT FOR NEW YORK CITY. (DEC) ○ CONTINUE PRIORITIZED LONG TERM PERMIT ACTION FOR CSOs , CONSISTENT WITH PWP LIST. ○ DEVELOPMENT AND ISSUANCE OF GENERAL PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs) AND FIRING RANGES THAT DISCHARGE TO SURFACE WATERS.	○ PERMIT RENEWAL WITHOUT REVIEW OR REVISION. PRIORITY ACTIONS WILL BE COMPLETED THROUGH PERMIT MODIFICATION. (DEC)	GREAT LAKES ○ IMPLEMENT ACTIONS CONSISTENT WITH THE PROPOSED REVISED GOAL OF THE NRTMP TO REDUCE TOXIC CHEMICALS BY REDUCING INPUTS FROM SIGNIFICANT POINT SOURCES ALONG THE RIVER. *○ MODIFY PERMITS FOR BIOACCUMULATIVE CHEMICAL OF CONCERNS (BCCS) THROUGH BPJ IMPLEMENTATION USING EBPS BY 1997. LIS/NY-NJ HARBOR/PECONIC BAY ○ TARGETED REGULATION OF STORM WATER DISCHARGERS THROUGH DEVELOPMENT AND EXECUTION OF APPROPRIATE STORM WATER ENFORCEABLE INSTRUMENTS IN REGIONS 1-3 USING 104(b)(3) RESOURCE. (DEC) PROGRAMMATIC INITIATIVES ○ DEVELOPMENT OF MECHANISM FOR STATEWIDE PERMIT COMPLIANCE WITH CSO POLICY IN REGARD TO IMPLEMENTATION OF NINE MINIMUM CONTROLS AND DOCUMENTATION BY PERMITTEES BY 1997 USING 104(b)(3) RESOURCES. (DEC/EPA) ○ WICSS STRATEGIES IMPLEMENTATION.

* EBPS: All base program activities and support for initiatives which result in an identified need to issue or modify SPDES permits, must be implemented within the context of the Environmental Benefit Permit Strategy (EBPS) priority ranking system. In all cases the permit will be reprioritized immediately, but the issuance or modification of the SPDES permit will only be accomplished in accordance with its overall EBPS priority and the priority of all other permits. If this results in an inability to timely implement commitments in the Strategic Plan, it will be promptly brought to the attention of the EPA and DEC Water Directors for discussion.

III.A.4. National Pollutant Discharge Elimination System Program
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
PERMITTING (CONT.) ○ EPA OVERSIGHT THROUGH PERMIT QUALITY REVIEW. (EPA) ○ NYS WATER PROGRAM CHANGES TO ENSURE REGULATIONS/POLICIES REFLECT FEDERAL PROGRAM. (DEC) ○ CONTINUE TO DEVELOP DELEGATION AGREEMENT FOR SLUDGE PERMITTING. (EPA/DEC) ○ CONTINUE ISSUANCE OF SLUDGE PERMITS UNDER SOLID WASTE PROGRAM. (DEC) ○ EXTEND COVERAGE TO STORMWATER GROUP APPLICANTS.	○ NO EPA REAL TIME REVIEW OF STATE PERMIT RENEWALS OR MODIFICATIONS. (EPA) ○ NO EPA-ISSUED SLUDGE PERMITS; RELY ON SELF IMPLEMENTING ASPECTS OF SLUDGE REGULATIONS. (EPA)	HARBOR/BIGHT *○ DEVELOP AND IMPLEMENT ADDITIONAL LOW COST NITROGEN REDUCTION ACTIONS, AS SUPPORTED BY HEM (COMMITMENT CONTINGENT UPON FUTURE TRADE-OFF TO BE IDENTIFIED AS NECESSARY) (DEC. 1996) PECONIC *○ MODIFY RIVERHEAD PERMIT TO ESTABLISH NITROGEN (N) LIMIT AT EEQ. LONG ISLAND SOUND 604(b) ○ DEVELOP AND IMPLEMENT POINT/NONPOINT TMDLs/WLAs/LAs (BUBBLES) TO CONTROL NITROGEN DISCHARGES - WESTCHESTER - NEW YORK CITY - NASSAU/SUFFOLK LAKE CHAMPLAIN *○ MODIFY PERMITS TO LIMIT PHOSPHROUS, CONSISTENT WITH LAKE CHAMPLAIN PLAN. NYC WATERSHED *○ MODIFY PERMITS TO INCLUDE WLAs DEVELOPED BY NYCDEP UNDER 303(D) TMDLs.

*** EBPS**

III.A.4. National Pollutant Discharge Elimination System Program
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
COMPLIANCE AND ENFORCEMENT ○ MAINTAIN PCS DATA BASE AS PRIMARY SOURCE OF COMPLIANCE INFORMATION, INCLUDING DATA Q.A. (DEC) ○ ENSURE MAJORS INSPECTION COVERAGE OF 80% OF UNIVERSE. (DEC) ○ ENSURE TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE. (EPA/DEC) ○ MAINTAIN ENFORCEMENT RESPONSE LEVELS (FORMAL AND INFORMAL). (DEC) ○ IMPLEMENTATION OF BEACH CLOSURE ACTION PLAN FOR HARBOR/BIGHT AND SOUND. (EPA/DEC)	○ REDUCE MAJORS INSPECTION COVERAGE BY 20% FOR FACILITIES WITH CONSISTENT COMPLIANCE RECORDS. UTILIZE RECONS INSTEAD (IN DEC REGIONS IMPLEMENTING INITIATIVES). (DEC) ○ ALLOW SELECTED EXCEPTIONS TO TIMELY AND APPROPRIATE CRITERIA TO ACCOMMODATE GEOGRAPHICALLY TARGETED ENFORCEMENT ACTIONS. (EPA/DEC) ○ ALLOW SELECTED ENFORCEMENT DISCRETION ON LOWER PRIORITY NPDES/SPDES VIOLATIONS TO ACCOMMODATE INCREASED PRIORITY (PWP) NON-POINT COMPLIANCE (SEE NPS MANAGEMENT SECTION).	NY/NJ HARBOR ○ USE REQUEST FOR INFORMATION LETTERS (UNDER THE AUTHORITY OF CWA §308s) TO DEFINE POLLUTANTS OF CONCERN. ○ SEEK OPPORTUNITIES TO DIRECT ENFORCEMENT SETTLEMENT MITIGATIVE ACTIONS TO IMPLEMENT PRIORITY ACTIONS IN HEP CCMP (1996). ○ COMPLETE SOURCE TRACK-DOWN OF PCBs IN THE ARTHUR KILL (MAR 1995) ○ IMPLEMENT BEACH CLOSURE/SHELLFISH BED ACTION PLAN (1995) GREAT LAKES ○ IMPLEMENT THE GREAT LAKES ENFORCEMENT STRATEGY FINALIZED IN 1993 TO REDUCE NON- COMPLIANCE AND REDUCE TOXIC LOADINGS IN THE BASIN (EPA/DEC) MULTI-MEDIA ENFORCEMENT ○ COORDINATE WITH EPA ON MULTI-MEDIA INITIATIVES WITHIN SPECIFIC GEOGRAPHICAL AREAS INCLUDING USE OF WORK SHARE APPROACH.

III.A.4. National Pollutant Discharge Elimination System Program
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
PRETREATMENT ○ IMPLEMENT PROGRAM UNDER TERMS OF INTERIM MOU PENDING DELEGATION.(EPA) - ON PRIORITY BASIS AS RESOURCES ALLOW, REVIEW AND APPROVE, DURING FY'95, NEW IPPs AND IPP MODIFICATIONS.(EPA) - PROVIDE CATEGORICAL DETERMINATIONS AS NECESSARY. (EPA) - REVIEW AND DECIDE ON REMOVAL CREDIT REQUESTS. (EPA) - MODIFY SPDES PERMITS BASED UPON PROGRAM MODIFICATIONS. (DEC) - CONDUCT INSPECTIONS OF FACILITIES RELEASING PRIORITY TOXICS IN ORDER TO IDENTIFY POLLUTION PREVENTION OPPORTUNITIES; INVESTIGATE OTHER POLLUTION PREVENTION OPPORTUNITIES.	○ REDUCE ANNUAL AUDITS TO 10% OF UNIVERSE. (EPA) ○ REDUCE NEED FOR EPA/DEC ENFORCEMENT AGAINST CONTROL AUTHORITIES BECAUSE OF INCREASED EMPHASIS ON BOLSTERING LOCAL ENFORCEMENT AUTHORITY THROUGH PROGRAM APPROVALS AND MODIFICATION. (EPA/DEC)	GENERAL ○ USE ADD-ONS TO GEOGRAPHICALLY-TARGETED GRANTS TO FUND CONTRACTOR SERVICES TO ENHANCE LOCAL PROGRAM IMPLEMENTATION.

III.A.4. National Pollutant Discharge Elimination System Program
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
PRETREATMENT (CONT) - REVIEW IPP REPORTS. (DEC) - MAINTAIN PCS INCLUDING QNCR AND PCME SOFTWARE. (EPA) - PERFORM ANNUAL INSPECTIONS OF 80% IPPs WITH REDUCTION IN AUDITS. (EPA/DEC) - INSPECTIONS OF NON-LOCAL CIUs. (EPA) - ENSURE TIMELY AND APPROPRIATE ENFORCEMENT RESPONSE. (EPA/DEC) - UPDATE/MAINTAIN CIU INVENTORY IN NON-LOCAL AREAS. (EPA) o IMPLEMENT PRETREATMENT PROGRAM MOU. (EPA/DEC) o AWARD PRETREATMENT POLLUTION PREVENTION AWARD TO LOCAL POTW. (EPA)		

III.A.5. Wetlands

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
○ CONSIDER WETLANDS STATUS & TRENDS (S&T) STUDIES FOR TARGETED WATERSHEDS, COUNTIES, OR REGIONAL AREAS (EPA/DEC) ○ FOLLOW-UP WITH ADVANCE IDENTIFICATION (AVID) IN AREAS EXPERIENCING OR EXPECTED TO EXPERIENCE SIGNIFICANT WETLANDS LOSSES (EPA/COE) ○ FOLLOW-UP WITH SPECIAL AREA MANAGEMENT PLANS (SAMPS) IN HIGH PRIORITY AREAS WHERE THERE IS A State/LOCAL GOVERNMENT SPONSORSHIP (EPA/COE) ○ USE S&T STUDIES TO IDENTIFY: - POTENTIAL ENFORCEMENT ACTIONS - PUBLIC OUTREACH OPPORTUNITIES & NEEDS - POTENTIAL MITIGATION AREAS (EPA) ○ USE S&Ts, AVIDs, SAMPs, TO IDENTIFY OPPORTUNITIES FOR GENERAL PERMITS (EPA/COE/FWS/NMFS) ○ SCREEN ALL COE PUBLIC NOTICES TO IDENTIFY MAJOR PERMIT ACTIONS. (EPA) - MINOR ACTIVITIES; BOTH RESOURCE THREAT AND CUMULATIVE IMPACT LOW - MAJOR ACTIVITIES; (MAJOR ACTIVITIES ARE THOSE FOR WHICH EITHER OR BOTH THE POTENTIAL RESOURCE THREAT AND CUMULATIVE IMPACT ARE HIGH) ○ PROVIDE WRITTEN COMMENTS ONLY FOR MAJOR ACTIVITIES. (EPA) - MAXIMIZE USE OF FORM LETTERS, AS APPROPRIATE. ○ PROTECT WETLANDS FUNCTIONS AND VALUES THROUGH REGULATION OF ACTIVITIES IN FRESHWATER AND TIDAL WETLANDS AND THE IMMEDIATE ADJACENT AREA (TROUGH ARTICLES 15,24,25, AND 404 WQC) (DEC) ○ RESTORE AND MANAGE FRESHWATER AND TIDAL WETLANDS THROUGH FOCUSED RESTORATION INITIATIVES (DEC)	<u>PUBLIC NOTICE REVIEWS</u> ○ NO WRITTEN COMMENTS ON MINOR ACTIVITIES. ○ USE FORM LETTERS, AS APPROPRIATE, FOR MAJOR ACTIVITIES. ○ NO 404(Q) ELEVATIONS UNLESS SITE-SPECIFIC IMPACTS ARE UNACCEPTABLE .	<u>TARGETED WETLANDS</u> ○ SARATOGA COUNTY ○ WESTERN NEW YORK INITIATIVE ○ STATEWIDE STATUS & TRENDS STUDY (DEC) ○ GREAT SWAMP (PUTNAM & DUTCHESS COUNTIES) WETLANDS ASSESSMENT STUDY (DEC) ○ PROVIDE FUNDING TO DEVELOP 401 WQ STANDARDS ○ PROVIDE STATE WETLAND GRANTS TO ASSIST IN DATA COLLECTION ○ PROVIDE DISCRETIONARY GRANTS FOR FURTHER DEVELOPMENT OF REFERENCE WETLANDS DATABASE FOR NEW YORK - NAIGARA FRONTIER, OSWEGO COOOUONTY , NYC WATERSHED ○ DEVELOP AND DISTRIBUTE GENERAL AND GEOGRAPHIC-SPECIFIC OUTREACH INFORMATION

III.A.5. Wetlands
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
○ MEASURE BASELINE DATA AND MONITOR CHANGES IN QUALITY OF WETLANDS THROUGH DEVELOPMENT OF A NETWORK OF REFERENCE WETLANDS (EPA.DEC) ○ SUPPORT AND PARTICIPATE IN REGIONAL, AREA-WIDE OR WATERSHED-BASED PLANNING (DEC) ○ IMPROVE COMPLIANCE WITH WETLANDS PROTECTION PROGRAMS BY IMPROVING PUBLIC AWARENESS OF WETLANDS VALUES AND GOVERNMENT PROGRAMS (DEC/EPA) ○ ENHANCE STATE WETLAND PROTECTION PROGRAMS THROUGH STATE WETLAND GRANT PROGRAM (EPA/DEC) ○ CONTINUE EPA'S RESEARCH EFFORTS ON REFERENCE WETLANDS, CONSULT WITH DEC AS APPROPRIATE (EPA/DEC) ○ SCREEN ALL POTENTIAL ENFORCEMENT CASES TO IDENTIFY MAJOR ACTIONS (EPA) -MINOR VIOLATIONS: BOTH RESOURCE THREAT AND CUMULATIVE IMPACT ARE LOW; NOT FLAGRANT -MAJOR AND/OR FLAGRANT VIOLATIONS:(MAJOR VIOLATIONS ARE THOSE FOR WHICH EITHER OR BOTH THE POTENTIAL RESOURCE THREAT AND CUMULATIVE IMPACT ARE HIGH ○ RESPOND TO ALL MAJOR AND/OR FLAGRANT VIOLATIONS TAILORING THE RESPONSE TO ENSURE MAXIMUM ENVIRONMENTAL/DETERRENCE BENEFIT FOR MINIMUM EXPENDITURE OF FEDERAL/STATE RESOURCES MEASURE FOR SUCCESS: DEC/EPA JONTLY SPONSORED NIAGARA FRONTIER LOCAL GOVERNMENT WORKSHOP. TO BE HELD IN 10/96. OBJECTIVE: ANNOUNCE AND DISTRIBUTE DIGITIZED SOIL MAPS, DEC WETLANDS MAPS, AND USFWS NWI MAPS.	<u>ENFORCEMENT</u> ○ CONTINUE TO DEFER TO COE AND/OR STATE FOR ENFORCEMENT ACTION AGAINST MINOR VIOLATIONS (EPA) ○ DEFER TO STATE, AS APPROPRIATE, IN TAKING STATE ACTIONS FOR MAJOR AND/OR FLAGRANT VIOLATIONS (EPA) ○ SEEK VOLUNTARY RESTORATION, AS APPROPRIATE	○ DEVELOPMENT OF WATER QUALITY STANDARDS FOR WETLANDS (DEC)

III.A.6. Dredged Material Management

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
MPRSA DECA/DEPP • DEVELOP AND IMPLEMENT MUD DUMP SITE MANAGEMENT PLAN (EPA) • DESIGNATE MUD DUMP SITE EXPANSION BY AN SEIS (EPA) • REACH CONSENSUS WITH EACH COE DISTRICT AND DEC ON SAMPLING AND TESTING REQUIREMENTS FOR DREDGED MATERIALS (EPA/DEC) • DEVELOP APPROPRIATE EVALUATION CRITERIA FOR DREDGED MATERIAL (EPA/COE/DEC) • SUPPORT DEVELOPMENT OF COE COMPREHENSIVE LONG-TERM DREDGED MATERIAL MANAGEMENT PLAN (EPA/DEC) • REVIEW PUBLIC NOTICES FOR ALL PROJECTS INVOLVING THE OCEAN DISPOSAL OF DREDGED MATERIAL (EPA) • IDENTIFY POTENTIAL DREDGED MATERIAL DISPOSAL ALTERNATIVE LOCATIONS WITHIN NYS (EPA/DEC) • SUPPORT EFFORTS TO EXPEDITE PERMIT DECISIONS (EPA/COE/DEC) CWA SECT 404/RIVERS & HARBORS ACT SECTION 10 • COORDINATE WITH COE ON SELECTION AND MANAGEMENT OF DREDGED MATERIAL DISPOSAL SITES UNDER CWA JURISDICTION (E.G. BORROW PITS CONTAINMENT SITES, OPEN WATER DISPOSAL SITES) (EPA/COE/DEC)	•DEFER TO COE IN MANAGEMENT OF INLET SITES (EPA) •DEFER TO DEC IN ISSUANCE OF PERMITS FOR ARTIFICIAL REEF CREATION (EPA)	• IDENTIFY OPPORTUNITIES FOR CREATION OF AQUATIC HABITAT THROUGH BENEFICIAL USE OF DREDGED MATERIAL -HARBOR/BIGHT -LONG ISLAND SOUND -GREAT LAKES • PROVIDE APPROPRIATE SUPPORT FOR GREAT LAKES AND THE NEW YORK HARBOR DREDGED MATERIAL MANAGEMENT FORUM AND WORKGROUPS • DEVELOP REPORT ON DREDGED MATERIAL MANAGEMENT FOR INCORPORATION IN HEP/BIGHT CCMP (SEE ITEMS IN BASE PROGRAMS FOR PROGRAMMATIC SCOPE)

III.A.6. Dredged Material Management
(CON'T)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
• TARGETTED REVIEW OF PUBLIC NOTICES INVOLVING THE DREDGING OR DISPOSAL OF CONTAMINATED SEDIMENTS (EPA/DEC) -IDENTIFY AREAS OF CONTAMINATED SEDIMENT (EPA/DEC): SEE "SEDIMENT MANAGEMENT PROGRAM" -SCREEN PUBLIC NOTICES TO DETERMINE IF THEY INVOLVE AREAS OF CONTAMINATED SEDIMENT (EPA/DEC)		

III.A.7. Sediment Management Program

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
• DEVELOPMENT AND MAINTAIN AN ASSESSMENT OF SEDIMENT PROBLEMS BASED ON THE SEDIMENT INVENTORY DATABASE (EPA/DEC) -IDENTIFICATION OF GEOGRAPHIC TARGETS BY FEDERAL AND STATE PROGRAMS • CONTINUE TO SUPPORT NATIONAL SEDIMENT INVENTORY (EPA/DEC) • EPA WILL PROVIDE FUNDING FOR CORE SEDIMENT COLLECTION AND ASSESSMENT CAPABILITY WITH NEW YORK. • EPA & DEC WILL DEVELOP AND MAINTAIN EXPERTISE TO ASSESS SEDIMENT PROBLEMS. • EPA DEVELOPS IN-HOUSE EXPERTISE IN SEDIMENT REMEDIATION TECHNOLOGY • EPA & DEC WORK THROUGH GEOGRAPHIC INITIATIVES TO DEVELOP COMPREHENSIVE PROGRAMS TO PREVENT AND/OR MANAGE SEDIMENT PROBLEMS (BOTH CONTAMINATED AND "CLEAN" SEDIMENT PROGRAMS)	• UNDER THE TERMS OF THIS STRATEGY, EPA & DEC WILL MAINTAIN BASE PROGRAMS. • THE TRADE-OFFS TO ALLOW THIS PROGRAM TO OPERATE ARE IDENTIFIED UNDER OTHER BASE PROGRAMS.	• THROUGH PROGRAMS SUCH AS ARCS, SUPERFUND, STATE SUPERFUND, AND SPECIAL LEGISLATION, DEVELOP AND IMPLEMENT PLANS TO ASSESS AND/OR REMEDIATE IN-PLACE SEDIMENT PROBLEMS IN GEOGRAPHICALLY-TARGETTED AREAS • ONGOING EPA/DEC EFFORTS INCLUDE THE FOLLOWING: -GREAT LAKES (EPA/COE) -BUFFALO RIVER (GLNPO/ARCS, RAP) -LOCKPORT -EIGHTEENMILE CREEK/OLCOTT HARBOR -CUMBERLAND BAY -OSWEGO HARBOR (PROBLEM EXTENT & IMPACT NOT YET FULLY EVALUATED)(RAP) -ST.LAWRENCE RIVER AT MASSENA (3 SITES) (SUPERFUND, RAP) -EASTERN LAKE ONTARIO BASIN SEDIMENT STUDY -ONONDAGA LAKE (EPA/DEC) -NY/NJHARBOR/BIGHT -DIOXIN IN PASSAIC RIVER/ NEWARK BAY (EPA/COE/DEC) -PCBs AND HEAVY METALS IN HUDSON RIVER • THE EPA/DEC SEDIMENT MGT. PROGRAM WILL IDENTIFY ADDITIONAL SITES FOR ACTION AS APPROPRIATE • PROVIDE APPROPRIATE SUPPORT FOR DREDGED MATERIALS MANAGEMENT FORUM AND WORKGROUPS • MERCURY IN LAKE ONTARIO

III.A.8. State Revolving Fund

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
○ EFC ESTABLISHMENT OF ELIGIBLE PROJECTS AND ACTIVITIES FOR SRF LOANS (WITH DEC WATER QUALITY INPUT) ○ EFC DEVELOPMENT OF ANNUAL INTENDED USE PLAN, BASED UPON PRIORITY SYSTEM FOR RANKING FOR FUNDING ○ CONTINUED EPA SUPPORT FOR STATE WATER PROGRAM INTEGRATED PRIORITY PROJECT SCORING SYSTEM (PPS) ○ DEC SUBMISSION OF SRF CAPITALIZATION GRANT APPLICATION TO EPA FOR FUNDING, INCLUDING IDENTIFICATION OF SOURCE OF "STATE MATCH" ○ EPA AWARDS CAPITALIZATION GRANT TO DEC (DEPENDENT ON CWA REAUTHORIZATION) ○ EFC ADMINISTERS SRF LOAN PROGRAM, INCLUDING OUTREACH AND MARKETING, EXECUTES LOANS, DEALS WITH "FINANCIAL COMMUNITY", ISSUES EFC/SRF BONDS, MANAGES EACH SPECIFIC LOAN ○ DEC PROVIDES SUPPORT TO EFC IN PROGRAM ADMINISTRATION AND LOANEE OUTREACH ○ EFC DRAWS CASH FROM EPA, CONSISTENT WITH GRANT AGREEMENT AND LOANS ISSUED ○ EPA CONDUCTS ANNUAL PROGRAM REVIEW, ASSESSES EFC/SRF ANNUAL REPORT, ISSUES EPA REVIEW REPORT ○ CONTINUED EPA SUPPORT FOR STATE WATER PROGRAM INTEGRATED PRIORITY PROJECT SCORING SYSTEM (PPS)	○ LACK OF REAUTHORIZATION CAUSES UNCERTAINTY IN PROGRAM AND HAS RESULTED IN RETURN TO A LOWER INTEREST RATE SUBSIDY	<u>PROGRAMMATIC INITIATIVES:</u> <u>TARGETING/MARKETING OF SRF PROGRAM</u> ○ INCREASED EFC AND DEC COLLABORATION TO ENSURE CONSISTENCY BETWEEN SRF AND DOW WATER QUALITY PROGRAM PRIORITIES ○ INCREASED DEC AND EFC COORDINATED OUTREACH TO PROSPECTIVE LOANEES AND REPRESENTATIVE GROUPS ○ CONTINUE EFFORTS TO IDENTIFY OPPORTUNITIES TO CO-FUND PROJECTS AND SUPPORT COMPLEMENTARY GRANTS PROGRAMS (RECD, HUD, ARC, ETC.) WHICH ALLOW SRF PROJECTS TO PROCEED. ○ INCREASED DEC & EFC COORDINATION ON OVERALL INNOVATIVE USE AND EXPANDED ELIGIBILITY OF SRF <u>REGULATORY REFORM/IMPROVEMENTS</u> ○ EPA TO ACT ON STATE PROPOSAL TO WAIVE SERP FOR SRF TIER II PROJECTS. ○ DEC RECOMMENDS CONGRESSIONAL ADJUSTMENT TO ALLOCATION FORMULA BASED ON NATIONAL NEEDS SURVEY. ○ DEC RECOMMENDS ADJUSTMENT OF NEEDS SURVEY FOR RESPONSIVENESS TO STATE NEEDS IN AREAS SUCH AS NONPOINT SOURCE AND ESTUARY PROJECTS. ○ DEC, WITH EPA GRANT SUPPORT [104(b)(3)], WILL CONTINUE TO IMPROVE STATE PPS TO INSURE BALANCED RELATIONSHIP BETWEEN TRADITIONAL/NON-TRADITIONAL PROJECTS AND TO INSURE PROPER TARGETING OF FUNDS TO PROJECTS.

III.A.8. State Revolving Fund
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
		SRF USES ○ EFC/EPA CONSULTATION ON FEASIBILITY AND SPECIFICS OF REALIZATION OF SRF FINANCIAL BENEFITS BY NON PUBLIC ENTITIES; WATER QUALITY PRIORITY IDENTIFIED BY DEC IN CONSULTATION WITH THE NEW YORK NONPOINT SOURCE COORDINATING COMMITTEE (NYNPSCC) ○ DEC AND EPA WILL PROMOTE THE SRF PROGRAM TO MUNICIPALITIES. EFC WILL FINANCE HIGH PRIORITY PROJECTS FOR WHICH MUNICIPALITIES APPLY FOR FUNDS. DEC/EFC WILL ENSURE THAT THE PROJECT PRIORITY SYSTEM SCORES THESE PROJECTS HIGHLY SO THAT THEY QUALIFY FOR FINANCING IN THE YEAR IN WHICH THEY ARE READY TO BE FINANCED. STRATEGIC ENFORCEMENT BY EPA AND DEC WILL BE USED TO ENCOURAGE MUNICIPALITIES TO MOVE FORWARD WITH THEIR PROJECTS.

III.A.9. Nonpoint Source Management

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
<u>NONPOINT SOURCE MANAGEMENT</u> o USE AVAILABLE RESOURCES (E.G. CWA SECTION 319 FUNDS, CWA SECTION 604(B) FUNDS, AC&C FUNDS) TO SUPPORT STATE AND LOCAL NONPOINT SOURCE PLANNING AND IMPLEMENTATION ACTIONS. - INITIATE UPDATE NPS MANAGEMENT PROGRAM BASED ON NATIONAL GUIDANCE. - USE PWP LIST TO DRIVE § 319 PRIORITIES. o ENCOURAGE/FACILITATE INVOLVEMENT OF OTHER FEDERAL AGENCIES IN STATE NONPOINT SOURCE MANAGEMENT PROGRAMS (EPA) o UTILIZE INDIVIDUAL PROJECT WORKPLANS AND PPA AS A BASIS FOR OBTAINING COMMITMENTS AND TRACKING PERFORMANCE o IF REQUIRED BY PROGRAM POLICY, MEET GRTS REPORTING REQUIREMENTS (FFY97) o EPA WILL WAIVE ITS FINAL PROJECT REVIEW PRIOR TO NYSDEC AWARDING COMPETITIVE GRANTS. EPA WOULD ONLY REQUIRE COPIES OF THE FINAL PROJECT WORKPLANS AND BUDGETS APPROVED BY NYSDEC. THIS IS CONSISTENT WITH THE PRINCIPLES OUTLINED IN THE MEMORANDUM OF AGREEMENT ON REVIEWING AND APPROVING COMPETITIVE NPS PROJECTS (APPENDIX 7). <u>UPDATE NPS MANAGEMENT PLAN</u> o BEGIN PROCESS TO UPDATE NPS MANAGEMENT PLAN TO REFLECT CURRENT WATER QUALITY NEEDS AND CONDITIONAL APPROVAL OF 6217 COASTAL NPS PROGRAM	o ELIMINATION OF SEPARATE WORKPLAN NEGOTIATIONS FOR 604(b) PASS-THRU GRANTS. o CLEAR DEFERENCE TO COMPREHENSIVE GEOGRAPHICALLY-TARGETED INITIATIVES TO FOSTER NONPOINT SOURCE ABATEMENT EFFORTS IN THE FOLLOWING AREAS: -NY CITY WATERSHED, -NY HARBOR/BIGHT, -PECONIC BAY, -LAKE CHAMPLAIN, -ONONDAGA LAKE, -LONG ISLAND SOUND, -THE GREAT LAKES. o CLEAR DEFERENCE TO STATE AS LEAD FOR NONPOINT SOURCE MANAGEMENT. o ELIMINATION OF REQUIREMENT FOR EPA APPROVAL OF NPS IMPLEMENTATION PROJECTS AND MOUs WITH PARTNER AGENCIES.	<u>GEOGRAPHIC INITIATIVES</u> (SEE SPECIFIC SECTIONS) - NYC WATERSHED - NY HARBOR BIGHT - PECONIC ESTUARY - LAKE CHAMPLAIN - ONONDAGA LAKE - LONG ISLAND SOUND - GREAT LAKES

III.A.9. Nonpoint Source Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
NONPOINT SOURCE MANAGEMENT (CONT.) ○ DEVELOP MEMORANDA OF UNDERSTANDING WITH ENVIRONMENTAL AND COASTAL ZONE MANAGEMENT AGENCIES ON HOW TO EFFECTIVELY IMPLEMENT CZMA SECTION 6217 TO CONTROL NONPOINT POLLUTION IN THE COASTAL ZONES IN REGION 2. -NYSDEC/NYSDOS MOU SIGNED, DEC AND DOS TO WORK TO ENSURE THAT THE DEVELOPMENT OF THE 6217 PROGRAM IS CONSISTENT WITH NPS MANAGEMENT PROGRAM AND IMPLEMENTATION ACTIVITIES. ○ PARTICIPATE ACTIVELY IN SELECTED NONPOINT SOURCE PLANNING AND IMPLEMENTATION INITIATIVES IN GEOGRAPHICALLY TARGETED AREAS (CONSISTENT WITH WICSS STRATEGIES). ○ ENCOURAGE THE CREATION OF INNOVATIVE APPROACHES TO UTILIZING SRF FUNDS FOR NPS PROJECTS, OTHER THAN MUNICIPAL NPS PROJECTS.		GLWQI ○ PARTICIPATE ACTIVELY IN STEERING COMMITTEE AND TECHNICAL WORK GROUPS DEVELOPING NONPOINT SOURCE COMPONENT OF THE GREAT LAKES 5-YEAR STRATEGY GLTXRE.

III.A.10. Data Management

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
○ MAINTAIN PCS DATA BASE AS SOURCE OF NPDES PERMIT PROGRAM COMPLIANCE INFORMATION, INCLUDING DATA Q.A. (DEC) (CROSS REFERENCE WITH NPDES SECTION) -MAINTAIN REQUIRED WATER ENFORCEMENT DATA BASE (WENDB) DATA ELEMENTS -PCS ENHANCEMENT COORDINATION/SUPPORT (DEVELOP, PROPOSE, AND NATIONALLY SUPPORT ENHANCEMENTS) -MAINTAIN QA/QC PROGRAM -CONTINUED PARTICIPATION AT NATIONAL MEETING/CONFERENCE CALLS/WORKGROUPS ○ MAINTAIN FEDERAL REPORTING DATA SYSTEM (FRDS) AND PWSS DATA BASE MANAGEMENT SYSTEMS AS SOURCE OF COMPLIANCE INFORMATION (EPA/DOH). -MAINTAIN DATA BASE MANAGEMENT SYSTEM -IMPLEMENT REMEDIAL ACTION PLAN TO RESOLVE EXISTING PROBLEMS PREVENTING SUCCESSFUL INPUT OF NYS INVENTORY, VIOLATION AND ENFORCEMENT ACTIONS DATA INTO FRDS. ACHIEVE SYSTEMS INTER-FACE OF NYS's SAFEWATER WITH EPA's FRD's. -KEEP ADEQUATE RECORDS OF PERTINENT STATE SURFACE WATER TREATMENT RULE DECISIONS. (EPA/DOH) ○ STORET 604(b): -DEC WILL CONTINUE TO UPDATE ON A REGULAR AND TIMELY BASIS THE NATIONAL STORET DATABASE ON STATE WATER QUALITY INFORMATION.		<u>PROGRAMMATIC INITIATIVES</u> ○ EDI: COMPLETE EDI PILOT PROJECT. ○ ESTABLISH WENDB SLUDGE ENTRY PROCEDURES IN PCS. ○ PRIORITY WILL BE GIVEN TO COMPLETING VOC DATA BASE IN PROJECT AREAS (i.e., AQUIFER PROJECTION PROJECTS) AND DATA WILL BE PROVIDED TO PROJECT MANAGER (CROSS REFER WITH PWSS SECTION)

III.A.10. Data Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
○ SECTION 319 GRANTS REPORTING & TRACKING SYSTEM (GRTS) AND INTEGRATED FINANCIAL MANAGEMENT SYSTEM (IFMS) -DEC TO INVESTIGATE THE VIABILITY OF USING THESE SYSTEMS TO MANAGE THE FINANCIAL AND PROJECT INFORMATION FOR THE NON-POINT SOURCE (NPS) GRANTS. ○ SECTION 314 CLEAN LAKES PROGRAM MANAGEMENT SYSTEMS -INVESTIGATE THE UTILITY OF THIS SYSTEM FOR ITS GRANT TRACKING CAPABILITIES AND SECTION 305(B) REPORTING CAPABILITIES. ○ SEDIMENT INVENTORY DATA BASES: -CONTINUE TO SUPPORT NATIONAL SEDIMENT INVENTORY (NSI) DATA BASE VIA PROVIDING AMBIENT SEDIMENT DATA TO EPA HQ's (CROSS REFERENCE WITH CONTAMINATED SEDIMENTS) -GREAT LAKES CONTAMINATED SEDIMENT PROGRAM GRANT (GLCPG) ($417K): -CONTINUED DEVELOPMENT OF REGION 2 SEDIMENT DATA BASE FOR GIS VIA DEC GLCPG (CROSS REFERENCE WITH GIS) ○ OCEAN DATA EVALUATION SYSTEM (ODES) -CONTINUED REGIONAL INPUT OF AMBIENT WATER AND SEDIMENT DATA ATTAINED FROM ESTUARIES PROGRAM, ETC. ○ GRANTS INFORMATION CONTROL SYSTEM (GICS): -ENVIRONMENTAL FACILITIES CORPORATION (EFC) UPDATES AND MAINTAINS GICS OPTIONAL DATA ELEMENTS IN COOPERATION WITH EPA REGION 2. -EFC CONTINUES TO REMAIN KNOWLEDGEABLE WITH GICS SYSTEMS (I.E., OPTIONAL DATA ENTRY SYSTEM; OPTIONAL REPORTING SYSTEM, etc.)		

III.A.10. Data Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
○ REVIEW UPDATA AND QUERY SYSTEM (RUQuS): -CONTINUED DATA ACQUISITION FOR RUQuS IN SUPPORT OF NEEDS SURVEY (THE PUBLIC WASTEWATER SYSTEM NEEDS INFO. DATA BASE) ○ GEOGRAPHICAL INFORMATION SYSTEM (GIS) (EPA/DEC/DOH) -ACQUIRE/DEVELOP CRITICAL GEOGRAPHIC DATA TO SUPPORT BASE PROGRAM ACTIVITIES INCLUDING WATERSHED-BASED ECOSYSTEM PROTECTION, POLLUTION PREVENTION, MULTI-MEDIA AQUIFER PROTECTION, WATER QUALITY ASSESSMENT, WATER QUALITY CLASSIFICATION AND ENFORCEMENT. PRIORITY DATA SETS INCLUDE HIGH RESOLUTION HYDROGRAPHY AND RELATED ATTRIBUTION, ELEVATION, LAND USE, SOILS, WETLANDS, AND DIGITAL AERIAL PHOTOGRAPHY. -ADDRESS ISSUE OF LONG TERM SUPPORT/FUNDING STRATEGIC PLAN INITIATIVES (I.E., CERCLA AERIAL PHOTOGRAPH) -DIGITIZE HYDROGRAPHY AND ELEVATION DATA VIA OIL POLLUTION ACT COOPERATIVE AGREEMENT -DIGITIZE ORTHO PHOTO-QUADS AND NATIONAL WETLAND INVENTORY MAPPING -GIS MAPPING EFFORT (DEC)		○ IMPROVE GIS COVERAGES OF SPDES LOCATIONAL, WATERBODY CLASSIFICATION, AND REACH ATTRIBUTES.

III.A.10. Data Management
(CONT.)

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
○ GIS (CONT.) -GREAT LAKES GRANTS -DEVELOP DEC/EPA WASTE SITE REPORTS ANNUALLY (NIAGARA RIVER AND LAKE ONTARIO) -DEVELOP BASIN REPORTS FOR LAKE ONTARIO CONSISTING OF BIOACCUMULATIVE CHEMICALS OF CONCERN; NONPOINT SOURCES LOADINGS; AMBIENT LEVELS; TRENDS. -NYSDEC WILL PROVIDE INPUT INTO ANNUAL NRTMP FOUR-PARTY PROGRESS REPORT -ACQUIRE ACCURATE LOCATIONS FOR ALL REGULATED ENTITIES AND MONITORING SITES CONSISTENT WITH EPA'S LOCATIONAL DATA POLICY. -DEVELOP CAPABILITY/INFRASTRUCTURE AND ANALYTICAL TOOLS TO UTILIZE GIS FOR WATERSHED-BASED MANAGEMENT, GROUNDWATER PROTECTION, AND ENFORCEMENT TARGETING. ○ PURSUE ESTABLISHMENT OF WORD PERFECT OFFICE/LAN TYPE INTERFACE BETWEEN EPA AND DEC. ○ NON-PCS REPORTABLE ACTIVITIES: - IDENTIFY REPORTING MECHANISM AND REPORT TO EPA ON ACCOMPLISHMENTS CONCERNING OECA PERFORMANCE MEASURES 4(b) AND 8 (SEE PAGE 97). (DEC) ○ EVALUATE CASE COMPLETION DATA SHEET (CCDS) SOFTWARE FOR DEC USE (CONTINGENT UPON RELEASE OF SOFTWARE TO DEC BY EPA). (DEC)		○ DEVELOP STRATEGY TO ACQUIRE/MANAGE LOCATIONAL DATA VIA GLOBAL POSITIONING SYSTEMS, ETC. (EPA/DEC)

III.A.11. Public Participation

BASE PROGRAM	TRADE-OFFS	SUPPORT FOR CBEP INITIATIVES
○ PROVIDE A FORUM FOR PUBLIC REVIEW AND COMMENT ON THE PPA ○ PROVIDE PUBLIC INFORMATION ON THE PPA ○ ENCOURAGE AND SUPPORT COMMUNITY-BASED ENVIRONMENTAL PROTECTION INITIATIVES TO IMPLEMENT THE PPA	○ PROLONG THE TIME NEEDED TO PREPARE THE ANNUAL WORKPLAN BY INCORPORATING MORE PUBLIC CONSULTATION ○ REFOCUS STAFF ASSIGNMENT TO CONDUCT PUBLIC PARTICIPATION FOR THIS PROGRAM	○ COORDINATE WITH THE WATER MANAGEMENT ADVISORY COMMITTEE ○ USE THE ENVIRONMENTAL NOTICE BULLETIN AND OTHER PUBLICATIONS TO INFORM THE PUBLIC AND SOLICIT INPUT ○ USE EXISTING REPORTS AND ADVISORY COMMITTEES TO DEMONSTRATE PROGRESS IN IMPLEMENTING THE PPA

III.B. COMMUNITY BASED ENVIRONMENTAL PROGRAM INITIATIVES

III.B.1. Community-Based Environmental Protection

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
○ DEVELOP A PLAN TO STRENGTHEN EXISTING CBEP PARTNERSHIPS AND TO IDENTIFY GROUPS THAT CAN IMPLEMENT CBEP PLAN. WILL HIGHLIGHT ACTIVITIES TO ENCOURAGE LOCAL-LEAD INITIATED AND IMPLEMENTED PROJECTS ○ COORDINATE WITH THE BASIN TEAMS INITIATIVE AND DEVELOP A PILOT CBEP IN THE LAKE ONTARIO BASIN ○ COORDINATE WITH OUTREACH EFFORTS TO BUILD WATERSHED ALLIANCES AND SPUR LOCAL STEWARDSHIP ○ SHARE COORDINATION WITH OR DELEGATE IT TO REGIONAL ENTITIES ○ DEFER TO LOCAL OR REGIONAL PRIORITIES	○ USE THE WATER MANAGEMENT ADVISORY COMMITTEE AND THE ENVIRONMENTAL NOTICE BULLETIN AND EXISTING NETWORKS ESTABLISHED FOR CSLAP AND COUNTY WQCCs ○ SUPPORT THE BASIN TEAMS FOR THE LAKE ONTARIO BASIN, NOW UNDER DEVELOPMENT BY DEC AND REGIONAL PARTNERS ○ BUILD UPON SCHEDULED PARTNERSHIP AND LOCAL ACTION OBJECTIVES OF WATER WEEK AND WATER STEWARDSHIP PROGRAMS.

III.B.2. Great Lakes

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
CERCLA ○ CLEAN UP TARGETED SITES TO REDUCE TOXIC INPUTS TO THE NIAGARA RIVER ○ DEVELOP CLEAN-UP SCHEDULES FOR TARGETED LAKE ONTARIO SITES ID PRIORITY SITES AND THEN REQUEST ACCELERATED CLEAN UP SCHEDULES ○ CLEAN-UP IDENTIFIED SEDIMENT HOT SPOTS - ST. LAWRENCE RIVER ○ CONDUCT POST-REMEDIATION MONITORING OF HAZARDOUS WASTE SITES ADJACENT TO THE NIAGARA RIVER.	NIAGARA RIVER/LAKE ONTARIO ○ USE OR IMPROVE EXISTING LAKE ONTARIO MODELS TO ASSIST IN ANSWERING MANAGEMENT QUESTIONS: -RELATIVE SOURCE CONTRIBUTIONS; -EFFECTS OF LOAD REDUCTION ACTIONS OVERTIME ; -PREDICTIONS OF FUTURE CONDITIONS ○ DEVELOP AND IMPLEMENT LaMP, REFINE UPDATE AS NECESSARY -TARGET WASTE SITES; DEVELOP SUMMARY REPORT PRESENTING CLEAN-UP SCHEDULES ANNUALLY ○ TRACK DOWN SOURCES OF TOXICS TO THE NIAGARA RIVER AND LAKE ONTARIO ○ USING READILY AVAILABLE INFORMATION, ASSESS THE IMPACT OF NON-CHEMICAL STRESSORS ON HABITAT IN LAKE ONTARIO. ○ IMPLEMENT ALL RAPS, UPDATE EVERY 2 YEARS. ○ DEVELOP/IMPLEMENT RAPS FOR ROCHESTER EMBAYMENT/EIGHTEEN-MILE CREEK

III.B.2. Great Lakes
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
	○ REPORT ON TRACKDOWN OF SOURCES OF TOXICS TO NIAGARA RIVER/LAKE ONTARIO AND IDENTIFY FOLLOW-UP RECOMMENDATIONS ○ CONTINUE TRACKDOWN OF SOURCES OF TOXICS TO POTWs ○ USE LOW LEVEL SAMPLING METHODS (i.e., TRACE ORGANICS PLATFORM SAMPLER) AT SELECTED POINT SOURCES TO ESTIMATE INPUTS OF PRIORITY TOXICS. ○ AMEND NR D0I TO: -BRING 1987 DOI COMMITMENTS TO A SUCCESSFUL CONCLUSION, & CARRY APPROPRIATE ONES FORWARD; -INCORPORATE GOALS FOCUSED ON ENVIRONMENTAL RESULTS AND THE PUBLIC -IMPLEMENT STRATEGIES TO ACHIEVE THE GOALS, TARGETING ACTIONS TO REDUCE INPUTS AND MEASURING TRENDS; AND -ENSURE COMMENSURATE LEVEL OF EFFORT IN L. ONTARIO & ERIE. ○ USE P2 TO REDUCE LOADING OF BCCs TO THE NR/LO BASIN. ○ USE BIOMONITORING TO DOCUMENT REMEDIATION OF WASTE SITES. ○ IMPLEMENT A ONE-TIME SAMPLING PROGRAM FOR TARGETED NR WASTE SITES ○ COMPLETE DATA ASSESSMENT FOR FORT ERIE AMBIENT MONITORING STATION ○ COMPLETE AN ANNUAL WASTE REPORT FOR THE NIAGARA RIVER BASIN AND THE LAKE ONTARIO BASIN. ○ SUMMARIZE AVAILABLE DATA ON FALLS STREET TUNNEL WET WEATHER INPUT OF TOXIC POLLUTANTS INTO NIAGARA RIVER IN ORDER TO DRAW CONCLUSIONS ABOUT FURTHER DATA COLLECTION NEEDS, IF ANY, (EPA).

III.B.2. Great Lakes
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
RCRA (DEC) CLEAN UP TARGETED SITES FOR NIAGARA RIVER DEVELOP CLEAN-UP SCHEDULES FOR TARGETED LAKE ONTARIO SITES USE P2 TO PREVENT NEW RELEASES DEC DIV. HAZ. WASTE SITE REMEDIATION CLEAN UP TARGETED SITES DEVELOP CLEAN-UP SCHEDULES FOR TARGETED LAKE ONTARIO SITES SEDIMENT MANAGEMENT PROGRAM (DEC) DEC TO DEVELOP AND FACILITATE IMPLEMENTATION OF PLANS TO REMEDIATE IN-PLACE SEDIMENT PROBLEMS IN THE GREAT LAKES AND CONNECTING CHANNELS - PRIORITIZED LIST OF HOT SPOTS. - REFERRALS FOR ACTION (LOCKPORT) EPA TO PROVIDE FUNDING FOR CORE SEDIMENT MANAGEMENT CAPABILITY - GREAT LAKES PILOT - WITH NEW YORK STATE AIR (DEC) AS PART OF GREAT WATERS PROJECT: ASSIST IN AIR TOXICS COMPONENTS OF NRTMP & LO LAMP USING IADN SYSTEM, ESTIMATE MERCURY LOADINGS TO GL BASIN WORK ON STANDARDIZED AIR TOXICS INVENTORY DATABASE (GLC PROJECT)	IMPLEMENT NRTMP, - ISSUE ANNUAL PROGRESS REPORTS IMPLEMENT BUFFALO RIVER RAP, UPDATE EVERY 2 YEARS IMPLEMENT NIAGARA RIVER RAP EXPAND CLEAN SWEEP EFFORTS THROUGHOUT LAKE ONTARIO BASIN CONDUCT POINT SOURCE PILOT FOR IDENTIFYING SOURCES LAKE ERIE ○ CONTINUE DEVELOPMENT OF LaMP IN FFY '96 ST. LAWRENCE RIVER ○ IMPLEMENT MASSENA RAP; UPDATE EVERY 2 YEARS

III.B.2. Great Lakes
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
WATER ○ NPDES (DEC) - REDUCE POINT SOURCE LOADINGS TO THE NIAGARA RIVER (SEE "NPDES" FOR DETAILS) -REDUCE OTHER INPUTS -P2 EVALUATIONS OF SELECTED FACILITIES -P2 INITIATIVES (E.G., CLEAN SWEEP) MONITORING (EPA/DEC) PROVIDE TECHNICAL ASSISTANCE IN DEVELOPING: ○ NIAGARA R. AMBIENT WATER AND BIOTA DATA ○ L. ONTARIO AMBIENT CONC. AND TRENDS ○ NIAGARA RIVER & EIGHTEEN-MILE CREEK SEDIMENT CORES ○ BIOASSESSMENT DATA PUBLIC INVOLVEMENT/EDUCATION (EPA/DEC) ○ CONTINUE PROGRAM FOR LAMP (DEC) ○ CONTINUE PROGRAM FOR RAPS (DEC) ○ CONTINUE NIAGARA FALLS PUBLIC INFORMATION OFFICE (EPA) ○ CONTINUE PROGRAM FOR NIAGARA RIVER TMP GIS (DEC) ○ SUPPORT NIAGARA RIVER PILOT PROJECT ○ CONTINUE PROGRAM FOR RAPS (DEC)	OTHER ○ SEE "MULTI-MEDIA ACTIVITIES - POLLUTION PREVENTION" ○ CONTINUE IMPLEMENTATION OF FISH CONSUMPTION ADVISORY COMMUNICATIONS OUTREACH PROGRAMS. (DEC)

III.B.3. Onondaga Lake Management Conference

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
ERRD ○ OVERSEE PREPARATION OF RI/FS BY ALLIED CHEMICAL (DEC/EPA). DECA/DEPP ○ ENSURE COMPLIANCE EFFORT WITH TERMS OF ONONDAGA COUNTY CONSENT DECREE FOR SYRACUSE METRO (DEC/EPA).	○ DEC TO DEVELOP COMPREHENSIVE STRATEGY FOR ALL PROGRAMS DEALING WITH ONONDAGA LAKE (DEC SHOULD PROVIDE DATE) ○ IMPLEMENT THE RECOMMENDATIONS IN THE MCP ON METRO, CSO AND A PILOT IN-LAKE AERATION PROGRAM. ○ IMPLEMENT PRIORITY ACTIONS AND COMMITMENTS IDENTIFIED IN THE MANAGEMENT PLAN, IN ORDER TO RESTORE THE WATER USE OF ONONDAGA LAKE. ○ CONTINUE TO WORK THROUGH THE ONONDAGA LAKE MANAGEMENT CONFERENCE TO REVISE AND IMPLEMENT THE MANAGEMENT PLAN. -PHOSPHORUS -IMPLEMENT MCP AND NPS CONTROLS -DEVELOP/IMPLEMENT SPECIFIC NPS CONTROL STRATEGIES FOR THE URBAN AND SUBURBAN AREAS WITHIN THE ONONDAGA LAKE DRAINAGE AS PER THE RECOMMENDATIONS OF THE PLAN

III.B.3. Onondaga Lake Management Conference
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
	○ TOXICS -THROUGH THE SUPERFUND PROGRAM, EVALUATE THE TRANSPORT OF BIOACCUMULATIVE SUBSTANCES THROUGH THE FOOD CHAIN (INCLUDING REPRESENTATIVES OF PHYTOPLANKTON, ZOOPLANKTON, BENTHIC AND FISH COMMUNITIES). ○ SEDIMENTS -COMPLETE IMPLEMENTATION OF MUDBOIL DEPRESSION AREA REMEDIATION PLAN -IDENTIFY THE ORGANIZATION/LEAD THAT CAN TAKE LONG-TERM OWNERSHIP/OPERATION OF DEPRESSURIZING WELLS, RETENTION DAM AND THE MONITORING ACTIVITIES

III.B.3. Onondaga Lake Management Conference
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
	○ FISH AND WILDLIFE HABITAT -IMPLEMENT A BIOLOGICAL MONITORING PROGRAM TO ASSESS PHYTOPLANKTON, ZOOPLANKTON AND FISH, BENTHIC AND HERPETOFAUNAL COMMUNITIES. -DEVELOP PROGRAM ON PUBLIC EDUCATION CONCERNING FISH/WILDLIFE RESOURCES. -DEVELOP PLAN FOR ENHANCEMENT OF PUBLIC ACCESS. -DEVELOP ENVIRONMENTAL INDICATOR TO ASSESS LAKE IMPROVEMENT AND SUCCESS OF IMPLEMENTING VARIOUS CORRECTIVE ACTIONS IN MANAGEMENT PLAN. ○ IN-LAKE REPRODUCTIVE/FORAGING AREA AND WETLANDS REMEDIATION -IMPLEMENT PLAN FOR WETLAND AND IN-LAKE NON-VEGETATIVE COVER RESTORATION AND ENHANCEMENT AND IMPLEMENT PILOT PROJECTS BASED UPON SUCH A PLAN. ○ OTHER -IMPLEMENT A COMPREHENSIVE MONITORING PROGRAM WHICH INCORPORATES AND COORDINATES EXISTING MONITORING EFFORTS

III.B.4. Long Island Sound

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
NPDES ○ DEVELOP AND IMPLEMENT POINT/NONPOINT TMDLs\WLAs\LAs "BUBBLES" TO CONTROL NITROGEN DISCHARGES - WESTCHESTER - NEW YORK CITY - NASSAU/SUFFOLK ○ INVESTIGATE ALTERNATIVES TO UREA APPLICATION AT LA GUARDIA AIRPORT RUNWAYS (EPA/DEC) ○ DEVELOP MOU WITH NOAA AND STATE ENVIRONMENTAL AND COASTAL ZONE MANAGEMENT AGENCIES ON HOW TO EFFECTIVELY IMPLEMENT CZMA § 6217 IN THE COASTAL ZONE (EPA/DEC) ○ TARGETED DEVELOPMENT AND EXECUTION OF ENFORCEABLE INSTRUMENTS TO REGULATE STORMWATER IN AREAS TRIBUTARY TO THE SOUND (EPA/DEC) -EPA HAS PROVIDED FUNDING TO SUPPORT THIS INITIATIVE.	CONTINUE THE MANAGEMENT CONFERENCE PLANNING PROCESS WHILE SEEKING IMPLEMENTATION OF THE CCMP ○ RESTRUCTURE THE MANAGEMENT CONFERENCE AS NECESSARY TO FOCUS ON IMPLEMENTATION ○ CONTINUE COORDINATION WITH FEDERAL, STATE, AND LOCAL AGENCIES TO IDENTIFY OPPORTUNITIES FOR IMPLEMENTATION ○ DEVELOP PROGRAM TRACKING SYSTEM FOR ANNUAL ADMINISTRATIVE/ENVIRONMENTAL PROGRESS REPORTS. ○ DEVELOP A LIST OF PRIORITY CCMP ACTIONS FOR FUNDING THROUGH ENFORCEMENT SETTLEMENT. NUTRIENTS ○ COMPLETE LIS 3.0; IDENTIFY A SOUND-WIDE NITROGEN REDUCTION TARGET AND GEOGRAPHIC TARGETS BY DECEMBER 1996 ○ DEVELOP PROPOSAL FOR IMPLEMENTING NUTRIENT TRADING ○ DEMONSTRATE WATERSHED PLANNING THROUGH INITIATIVE WITH NRCS IN A NYS WATERSHED ○ DEVELOP WATERSHED TRACKING & MONITORING SYSTEM FOR POINT AND NONPOINT SOURCES OF NITROGEN

III.B.4. Long Island Sound
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
○ IMPLEMENT BEACH CLOSURE/SHELLFISH BED ACTION PLAN (EPA/DEC) ○ IDENTIFY AND DESIGNATE APPROPRIATE BAYS AND HARBORS AS "NO DISCHARGE ZONES" (EPA/DEC) <u>OTHER</u> ○ IDENTIFY OPPORTUNITIES FOR RESTORATION OF AQUATIC HABITAT (EPA/COE/DEC)	<u>LIVING MARINE RESOURCES/HABITAT</u> ○ DEVELOP SITE SPECIFIC HABITAT MANAGEMENT STRATEGIES - OYSTER BAY ○ DESCRIBE CRITICAL COASTAL HABITATS FOR GIS MAPPING, AND DEVELOP DRAFT BI-STATE COASTAL HABITAT RESTORATION STRATEGY - SOLICIT PUBLIC INPUT AND FINALIZE <u>TOXICS</u> ○ UPDATE DREDGED MATERIAL MANAGEMENT PLAN ○ REVIEW NOAA SEDIMENT SURVEY RESULTS FOR HARBORS AND R-EMAP STUDIES OF TOXIC CONTAMINANTS IN WLIS AND RECOMMEND FOLLOW-UP ACTION. <u>DATA MANAGEMENT/MONITORING</u> ○ IMPLEMENT CONSISTENT DATA MANAGEMENT AND STORAGE PROCEDURES -DATA COORDINATOR FOR LISS/HEP ○ IMPLEMENT EXPANDED MONITORING PROGRAM AND SYNTHESIZE RESULTS IN ANNUAL PROGRESS REPORT. <u>PUBLIC OUTREACH</u> ○ CONDUCT BRIEFINGS FOR MUNICIPAL OFFICIALS ON THE CCMP. ○ OUTREACH ON NITROGEN REDUCTION TARGETS: - HOLD PUBLIC MEETINGS - BRIEF ELECTED STATE & CONGRESSIONAL OFFICIALS - BRIEF PERMIT HOLDERS

III.B.5. NYC Watershed (Catskill/Delaware)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
DECA/DEPP ○ COORDINATE WITH NYCDEP IN DEVELOPMENT OF NONPOINT SOURCE COMPONENT OF NYC WATERSHED PROTECTION PROGRAM (EPA/DEC). -WORK WITH AGRICULTURE TASK FORCE TO FACILITATE IMPLEMENTATION OF BEST MANAGEMENT PRACTICES/WHOLE FARM APPROACH PLAN AND THEREBY ACCELERATE REDUCTIONS IN MICROBIOLOGICAL CONTAMINATION. -ASSIST NYSDOH/NYCDEP TO RESOLVE THE LEGAL, TECHNICAL AND PROCEDURAL ISSUES ASSOCIATED WITH THE CITY'S WATERSHED RULES AND REGULATIONS AND THE WATERSHED PROTECTION PROGRAM. PROGRAM REVIEW OF WATERSHED RULES AND REGULATIONS. (EPA)	○ OVERSEE NYC'S COMPLIANCE WITH THE CONDITIONS OF APPROVAL TO AVOID FILTRATION (DOH/DEC/EPA). ○ ASSIST NYC IN COMPLYING WITH FILTRATION AVOIDANCE CONDITIONS. -CONDUCT MEETINGS AS NECESSARY AT THE DIRECTOR LEVEL TO IDENTIFY AND RESOLVE WATERSHED PROTECTION ISSUES. (EPA/DOH/DEC/NYCDEP) -NYSDEC ASSISTANCE WILL BE PROVIDED CONSISTENT WITH NPDES DELEGATION AND DEC/DEP MOU. DEC & DEP NEED TO FINALIZE DETAILED APPENDICES NECESSARY TO ENSURE ADEQUATE IMPLEMENTATION OF THE MOU.

III.B.5. NYC Watershed (Catskill/Delaware)
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
○ REVIEW SPDES PERMITS; MODIFY AS NECESSARY TO MEET WATER QUALITY STANDARDS. (EPA/DEC) ○ REVIEW QNCRs, PERFORM INSPECTIONS, COLLECT/ANALYZE COMPLIANCE SAMPLING, TAKE ENFORCEMENT ACTIONS AS NECESSARY; ENSURE 100% COVERAGE OF ALL RELEVANT MAJOR AND MINOR FACILITIES. (EPA/ DEC/ DOH/ NYCDEP/ OTHER LOCAL GOVERNMENTS). -DEVELOP DETAILED STRATEGY IDENTIFYING WORKLOAD SHARING AMONG EPA, NYSDEC, NYSDOH, NYSDEC, AND OTHER LOCAL GOVERNMENTS. -EPA/NYSDEC FOCUS WILL BE EXPANDED TO INCLUDE: MAJORS, SIGNIFICANT MINORS, AND NON-SIGNIFICANT MINORS. ○ MODIFY 1996 303D LIST TO INCORPORATE APPROPRIATE WATER BODIES WITHIN NYC'S CATSKILL AND DELAWARE SYSTEMS. -REVIEW AND REVISE TMDLs/WLAs/LAs AS NECESSARY (EPA/DEC). ○ INSPECT CLASS V WELLS IN NYC WATERSHED ASSIGN PRIORITY TO WELLS POTENTIALLY IMPACTING KENSICO RESERVOIR (EPA).	○ SPECIAL EPA ACTIONS -PARTICIPATE IN NYSDOH WATERSHED INSPECTIONS AND REVIEW OF NYCDEP ANNUAL WATERSHED REPORT. -REVIEW NYCDEP GIARDIA, CRYTOSPORIDIUM AND VIRUS DATA. -REVIEW KENSICO RESERVOIR REPORTS AND SAMPLING DATA. -PARTICIPATE IN REVIEW OF FILTRATION PLANT DESIGN STUDIES. -PARTICIPATE IN SNAP (EPA/DEC) AND WEEC (DEC/DEP) CONFERENCES CONCERNING WASTEWATER TREATMENT PLANT ENFORCEMENT. -PARTICIPATE IN NONPOINT SOURCE COORDINATING COMMITTEE (EPA/DEC/DEP/SCS/DEPT. OF AGRICULTURE). -PARTICIPATE IN SELECTED NYCDEP INSPECTIONS OF NPDES PERMITTED FACILITIES.

III.B.5. NYC Watershed (Catskill/Delaware)
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
○ ASSIST NYSDOH/NYCDEP IN THE ASSESSMENT OF THE WHOLE COMMUNITY PLANNING (WCP) PROCESS. WHERE APPROPRIATE, CONSIDERATION WILL BE GIVEN TO USING THE WCP PROCESS TO REPLACE APPROPRIATE PARTS OF THE WATERSHED RULES AND REGULATIONS RESTRICTIONS FOR PARTICIPATING COMMUNITIES WITHIN THE CITY'S WATERSHED AREAS WHERE EQUIVALENT LEVEL OF PROTECTION CAN BE DEMONSTRATED (EPA).	
○ ASSIST NYSDOH/NYCDEP/SOUTHERN NEW YORK INTERGOVERNMENTAL WATER SUPPLY ADVISORY COUNCIL (SENYIGWAC) IN THE FINALIZATION AND IMPLEMENTATION OF THE CITY'S INTERGOVERNMENTAL TASK FORCE REPORT RELATIVE TO SECURING ADDITIONAL SOURCE CAPACITY FOR THE CITY.	○ DEC WILL SUPPORT ALL FAD CONDITIONS CONSISTENT WITH ITS NPDES AUTHORIZATION, ITS RESPONSIBILITIES UNDER ECL AND ITS RESPONSIBILITIES UNDER THE MOA (IMA) WHEN FINALIZED WITHIN ITS RESOURCE CAPABILITIES.
○ EPA WILL COORDINATE ALL FAD CONDITIONS WHICH IMPACT DEC AND/OR DOH WITH THE RESPECTIVE OR BOTH STATE AGENCIES.	○ CONTINUE TO PROCESS TOWARD ISSUANCE THE 10-YEAR WATER SUPPLY PERMIT (LAND AQUISITION PROGRAM) CONSISTENT WITH SAPA PROCESS.
	○ DEVELOP PHASED TMDL OUTPUTS CONSISTENT WITH FAD AND MOA AND PROPOSE APPROPRIATE SPDES PERMIT MODIFICATIONS CONSISTENT WITH WLA'S AND NONPOINT SOURCE CONTROLS CONSISTENT WITH THE LAs FROM THE JOINT NYCDEP/DEC/EPA TMDL DEVELOPMENT/APPROVAL PROCESS.

III.B.5. NYC Watershed (Catskill/Delaware)
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
	○ DEC WILL PROPOSE MODIFICATIONS, AS APPROPRIATE, FOR ALL EXISTING SURFACE WATER SPDES PERMITS IN THE WATERSHED TO INCLUDE NEW EFFLUENT STANDARDS AND UPGRADE SCHEDULES REQUIRED BY THE NYC WATERSHED RULES AND REGULATIONS CONSISTENT WITH SAPA AND SCHEDULES CONTAINED IN THE FAD AND MOA. ○ DEC WILL PARTICIPATE IN APPROPRIATE TECHNICAL GROUPS UNDER THE MOA TO DEVELOP PROCEDURES FOR IMPLEMENTATION OF THE PHOSPHORUS OFFSET PROGRAM. ○ PROVIDE OVERSIGHT OF CONSENT ORDERS AND PERMIT SCHEDULES FOR NYC OWNED WASTEWATER TREATMENT PLANT UPGRADES. ○ DEC WILL ATTEMPT TO FINALIZE APPROPRIATE APPENDICES OF DEC/DEP MOU AND WILL MAKE SPECIFIC LEGAL OFFICE REQUESTS (DLA) TO NYC FOR FINAL AGREEMENTS. ○ DEC WILL CONTINUE TO IMPLEMENT PROVISION OF DEC/DEP MOU SUCH AS WECC, CONSISTENT WITH ITS NPDES RESPONSIBILITIES.

III.B.6. Peconic Estuary

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
DESA ○ ASSISTANCE IN REVIEWING QA/QC PLANS DECA/DEPP ○ PROVIDE OVERSIGHT FOR MEETING HOUSE CREEK CONSTRUCTED WETLAND PROJECT (EPA). NPDES ○ REISSUE RIVERHEAD STP PERMIT TO FREEZE NITROGEN LOADING; DRAFT 4/95; FINAL 9/96 (DEC) ○ MODIFY OKEANOS PERMIT T0 INCLUDE NO NET INCREASE REQUIRMENTS; DRAFT 9/1/96 (DEC) NPS MANAGEMENT ○ CONTINUE TO PROVIDE FUNDS IN SUPPORT OF NPS EFFORTS	○ PREPARATION AND IMPLEMENTATION OF COMPREHENSIVE BROWN TIDE RESEARCH AND MANAGEMENT STRATEGY 96 (EPA/DEC). ○ RESOLVE POLICY ISSUES BETWEEN PEP & PINE BARRENS PLAN IN PECONIC RIVER CORRIDOR BY COMPLETION OF INITIAL BASE PROGRAM ANALYSIS REPORT (7/96) (EPA/DEC). ○ COMPLETION OF CHARACTERIZATION REPORTS (7/96) (EPA/DEC). ○ COMPLETION OF INTERIM CCMP (7/96) (EPA/DEC). ○ COMPLETION OF FINAL CCMP (7/97) WATER QUALITY STANDARDS ○ DEVELOP NON-DETERIORATION POLICY FOR THE EASTERN PECONIC SYSTEM IN A TIMEFRAME CONSISTENT WITH PECONIC INTERIM CCMP (DEC/EPA)(7/96). ○ EVALUATE THE APPROPRIATENESS OF DISCHARGE RESTRICTION CATEGORY DESIGNATIONITROGEN FOR NITROGEN FOR THE SYSTEM (DEC) (6/96) TMDL ○ DEVELOP TMDL/WLA/LA BASED ON 0.5 mg/L NITROGEN GUIDELINE FOR THE TIDAL PORTION OF THE PECONIC RIVER AND FLANDERS BAY (7/97) AS APPROPRIATE BASED ON ENHANCED MODELING.

III.B.7. NY/NJ Harbor Estuary/Bight

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
DECA/DEPP ○ ENFORCEMENT (EPA/DEC) -SEEK OPPORTUNITIES TO DIRECT ENFORCEMENT SETTLEMENT MITIGATIVE ACTIONS TO IMPLEMENT PRIORITY ACTIONS IN HEP CCMP (1996) ○ WATER QUALITY (EPA/DEC) -ADOPT SITE-SPECIFIC WQS FOR COPPER (3/97) -DEVELOP PHASE II WLAs/TMDLs FOR TOXIC METALS, AS APPROPRIATE (3/97) -PREPARE PLAN TO ADOPT ADDITIONAL STANDARDS, INCLUDING ADDITIONAL DISSOLVED METALS (3/97) ○ NPDES (EPA/DEC) -IMPLEMENT FLOATABLES CONTROL PROGRAM FOR PORTION OF NYC AREA NOT COVERED BY CONSENT ORDER INTERIM REQUIREMENTS.(4/96)(EPA/DEC) -INCLUDE REQUIREMENTS TO REVIEW AND MODIFY PRETREATMENT PROGRAMS TO MINIMIZE CSO IMPACTS (4/96)	PREPARE ANNUAL REPORT ON HEP CCMP IMPLEMENTATION, INCLUDING CCMP UPDATE(12/96) SEEK AGREEMENTS FOR IMPLEMENTATION OF THE HEP PLAN IMPLEMENTING THE CCMP ○ ESTABLISH A HEP PROGRAM OFFICE (JULY 1996) ○ IDENTIFY WORK WITH NON-PROFIT ORGANIZATIONS TO FUND CCMP ACTIONS. ○ REVIEW ISC WORK PLAN TO DIRECT USE OF SECTION 106 FUNDS FOR CCMP ACTIVITIES. NUTRIENTS ○ COORDINATE WITH THE NYCDEP IN THEIR DEVELOPMENT OF HEM (COMPLETED) -REVIEW ITEM RESULTS AND DEVELOP PLAN TO IMPLEMENT ADDITIONAL LOW-COST NITROGEN REDUCTIONS AS APPROPRIATE(1996) ○ WORK WITH THE NYCDEP TO DEVELOP A SYSTEM-WIDE EUTROPHICATION MODEL ○ DEVELOP ECOSYSTEM OBJECTIVES FOR EUTROPHICATION. (DEC. 1996)

III.B.7. NY/NJ Harbor Estuary/Bight
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
DECA/DEPP (CON'T.) -IMPLEMENT FLOATABLES CONTROL PROGRAM FOR PORTION OF NYC AREA NOT COVERED BY CONSENT ORDER INTERIM REQUIRMENTS, (APR 1996), (EPA/DEC) -INCLUDE REQUIREMENTS TO REVIEW AND MODIFY PRETREATMENT PROGRAMS TO MINIMIZE CSO IMPACTS (APR.96) (EPA/DEC) -REQUIRE DISCHARGERS, AS APPROPRIATE BASED UPON ENVIRONMENTAL IMPACT, TO TRACK-DOWN AND CLEAN-UP SIGNIFICANT SOURCES OF PCBs AND OTHER ORGANIC CHEMICALS OF CONCERN TO THEIR SEWAGE SYSTEMS (BEGAN JULY 1995) -COMPLETE SOURCE TRACK-DOWN OF PCBs IN THE ARTHUR KILL (COMPLETED) -DEVELOP SPDES PERMIT PROHIBITING STORMWATER DISCHARGES OF PCBs FROM IDENTIFIED FACILITY DISCHARGING TO MILL CREEK, STATEN .ISLAND (12/96)(EPA/DEC) -IMPLEMENT BEACH CLOSURE/SHELLFISH BED ACTION PLAN (1996)	HABITAT ○ IDENTIFY COASTAL HABITATS THAT WARRANT SPECIAL PROTECTION(APRIL 1996) ○ COORDINATE WITH STAKEHOLDERS TO DEVELOP PLAN TO SUPPORT SPECIAL EFFORTS TO RESTORE HABITAT IN JAMAICA BAY (DEC.1996) ○ DEVELOP RECOMMENDATIONS TO APPLY THE RESULTS OF STUDIES ON THE EFFECTS OF PLATFORM DEVELOPMENT ON NEAR SHORE HABITAT.(DEC. 1996)

III.B.7. NY/NJ Harbor Estuary/Bight
(CONT.)

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
○ DREDGED MATERIAL MANAGEMENT (EPA/COE) (SEE SECTION: DREDGED MATERIAL MANAGEMENT) -IMPLEMENT APPROPRIATE COMMITMENTS CONTAINED DREDGED MATERIAL MANAGEMENT PLAN. ○ OTHER - IMPLEMENT SHORT TERM FLOATABLES ACTION PLAN -USE CLEAN VESSEL ACT FUNDS TO ISSUE GRANTS FOR MARINE PUMPOUT STATIONS (1995) -SELECT AND DEVELOP PILOT PROJECT TO MINIMIZE EXPORT OF SEDIMENT FROM HUDSON RIVER SUB-WATERSHED -CONTINUE HARBOR DRIFT REMOVAL PROJECT, TARGETING PRIORITY SHORELINE AREA FOR CLEAN-UP -ISSUE ROD FOR HUDSON RIVER PCB SITE (ERRD) (SEPT. 1997) -USE NEW DATA ON CHEMICALS IN FISH, SHELLFISH AND CRUSTACEA TO MODIFY FISHING ADVISORIES AND RESTRICTIONS, AS APPROPRIATE (MARCH 1996) -PROTECT COASTAL HABITATS THROUGH CZM CONSISTENCY REVIEW PROCESS <u>EPA ACTIVITY:</u> ○ IMPLEMENT "CLEAN STREETS/CLEAN BEACHES" (WITH DEC)	<u>FLOATABLES</u> ○ OBTAIN COMMITMENTS FROM REGULATORY AGENCIES TO IMPLEMENT THE LONG TERM FLOATABLES PLAN <u>TOXICS</u> ○ COMPLETE R-EMAP STUDIES OVER 2 YEARS IN 6 SPECIFIC AREAS (APRIL 1996) ○ IMPLEMENT ADDITIONAL R-EMAP PROJECTS IN HARBOR, PENDING FUNDING. ○ UPDATE LIST OF CHEMICALS OF CONCERN, IDENTIFYING TOXIC CHEMICALS WHICH PREVENT UNRESTRICTED DISPOSAL OF DREDGED MATERIALS (SEPT 1996) ○ IDENTIFY ADDITIONAL AREAS/PROJECTS TO TRACK-DOWN AND CLEAN-UP SOURCES OF CHEMICALS OF CONCERN (JUNE 1996) (<u>NOTE:</u> NYSDEC MUST SUBMIT AN APPROPRIATE BI-STATE WORKPLAN WITH NJDEP FOR THE HARBOR-WIDE AND ARTHUR KILL TRACKDOWN EFFORTS) ○ DEVELOP/CONDUCT SEDIMENT TIE STUDIES (JUNE 1996) ○ COMPLETE ASSESSMENT OF CHEMICALS IN FISH, SHELLFISH AND CRUSTACEA (DEC LEAD; JULY 1996) ○ COOPERATE WITH USACE TO DEVELOP WORKPLAN, CONDUCT MONITORING, AND DEVELOP COMPREHENSIVE SYSTEM-WIDE TOXICS MODEL (COMPLETE 1999) ○ COOPERATE WITH USACE/OTHER SPONSORS TO DEVELOP WORKPLAN, CONDUCT MONITORING, AND DEVELOP IMPROVED MASS BALANCES FOR CHEMICALS OF CONCERN, USING SIMPLE MODELLING TOOLS (EPA 1996) <u>PATHOGENS</u> ○ USE NYC WQ MODEL TO PRIORITIZE CSO ABATEMENT IN HARBOR/BIGHT (1996) <u>MONITORING</u> ○ VALIDATE INDICATOR OF BENTHIC INVERTEBRATE STRUCTURE; DEVELOP BENTHIC INDEX (MAR 1995) ○ REFINE AND IMPLEMENT ENVIRONMENTAL MONITORING PLAN (1996)(EPA/DEC/OTHERS)

III.B.8. Citizens Statewide Lake Assessment Program

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
	CITIZENS' STATEWIDE LAKE ASSESSMENT PROGRAM (CSLAP) ○ CONTINUE THE PROGRAM AT ITS CURRENT LEVEL OF 70 TO 100 LAKES, CONTINGENT ON AVAILABLE FUNDING. ○ PREPARE AN ANNUAL REPORT DESCRIBING THE RESULTS FROM THE PREVIOUS FIELD SEASON. ○ CONTINUE EXPANSION OF THE PROGRAM TO STATE PARK LAKES IN THE CAPITAL-SARATOGA AND FINGER LAKES REGIONS. ○ PREPARE TWO TO FIVE "MINI MANAGEMENT PLANS" ON SPECIFIC LAKES AS NEEDED. ○ CONDUCT ENVIRONMENTAL EDUCATION GRANT COMPONENT WITH SELECTED SCHOOL DISTRICTS, IF FUNDED BY EPA ENVIRONMENTAL EDUCATION PROGRAM. ○ WORK WITH THE NEW YORK FEDERATION OF LAKE ASSOCIATIONS (FOLA) ON RELATED ACTIVITIES, SUCH AS THE FOLA WORLD WIDE WEB SITE, THE NYS LAKE MANAGEMENT FORUM, THE FOLA ANNUAL MEETING OF LAKE ASSOCIATIONS AND THE FOLA NEWSLETTER, *WATERWORKS.* ○ INCLUDE CSLAP IN LAKE WATER QUALITY ASSESSMENT PORTION OF SECTION 305(B) REPORT.

III.B.9. Finger Lakes

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
○ EPA-FUNDED NONPOINT SOURCE PROJECTS FOR SKANEATELES AND OWASCO LAKES	○ CONTINUE THE FINGER LAKES AQUATIC VEGETATION CONTROL PROGRAM (FLAVCP) IN COOPERATION WITH THE FINGER LAKES ASSOCIATION WATER RESOURCES BOARD. THE FLAVCP INCLUDES ACTIVITIES RANGING FROM BIOLOGICAL AND CHEMICAL MONITORING OF THE LAKES TO DESIGN OF NONPOINT CONTROL PROJECTS AND MANAGEMENT OF NUISANCE PLANTS, SUCH AS *EURASIAN WATERMILFOIL*. ○ CONDUCT A SYNOPTIC LIMNOLOGICAL SURVEY OF THE ELEVEN FINGER LAKES, DURING THE SUMMER OF 1996. ○ CONDUCT A SURVEY OF PUBLIC PERCEPTION OF WATER QUALITY OF THE FINGER LAKES. ○ BEGIN PRELIMINARY WORK TO DEVELOP A “STATE OF THE LAKE” REPORT ON THE FINGER LAKES SYSTEM. ○ WORK WITH LOCAL GOVERNMENTS AND THE FINGER LAKES ASSOCIATION WATER RESOURCES BOARD TO DEVELOP COMPREHENSIVE MANAGEMENT PLANS FOR SPECIFIC LAKES. ○ PROVIDE TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS AND PROPERTY OWNERS ORGANIZATIONS ON LAKE MANAGEMENT ISSUES.

III.B.10. Lake Champlain Management Conference

BASE PROGRAM SUPPORT	SUPPORT FOR CBEP INITIATIVES
○ IMPLEMENT PRIORITY ACTIONS AND COMMITMENTS IDENTIFIED IN THE MANAGEMENT PLAN, IN ORDER TO RESTORE AND PROTECT THE WATER QUALITY OF LAKE CHAMPLAIN. <u>PHOSPHORUS</u> ○ DEVELOP SPECIFIC PHOSPHORUS CONTROL STRATEGIES FOR EACH FACILITY WITHIN THE LAKE CHAMPLAIN DRAINAGE BASIN, AS PER THE RECOMMENDATIONS IN AN AGREED UPON PLAN AND AVAILABLE FUNDING. ○ COORDINATE ALL FEDERAL AND STATE PROGRAMS WHICH CAN PROVIDE FUNDING FOR URBAN AND AGRICULTURAL NPS MANAGEMENT ACTIONS. ○ CONTINUE THE LONG-TERM MONITORING PROGRAM FOR THE LAKE AND ITS TRIBUTARIES, UTILIZING USGS GAGING NETWORK, IN ORDER TO REFINE THE LAKEWIDE PHOSPHORUS MODEL. <u>TOXICS</u> ○ IMPLEMENT THE RECOMMENDED PROGRAM TO REDUCE TOXIC LOADINGS TO ACCEPTABLE LEVEL ○ MAINTAIN AMBIENT MONITORING PROGRAMS FOR TOXICS IN FISH FLESH ○ COORDINATE REMEDIAL ACTIVITIES AT SUCH LOCATIONS AS CUMBERLAND BAY ○ CONDUCT ANY ADDITIONAL INVESTIGATIONS, AS NEEDED TO DETERMINE THE SOURCES OF TOXIC MATERIALS TO LAKE CHAMPLAIN <u>PATHOGENS</u> ○ INVENTORY PRESENCE OF PATHOGENS IN SURFACE AND DRINKING WATERS. ○ ASSESS SOURCES OF PATHOGENS ○ IMPLEMENT PROGRAM TO REDUCE PATHOGENS TO ACCEPTABLE LEVELS <u>WETLANDS</u> ○ IMPLEMENT PLAN RECOMMENDATIONS FOR WETLANDS PROTECTION AND ENHANCEMENT. <u>NUISANCE AQUATICS</u> ○ IMPLEMENT PREVENTION AND CONTROL PLAN FOR NUISANCE AQUATICS	○ COMPLETE THE MANAGEMENT PLAN AND IDENTIFY PRIORITY ACTIONS AND COMMITMENTS FOR IMPLEMENTATION

SECTION IV. ENVIRONMENTAL AND PROGRAMMATIC INDICATORS

The National Environmental Performance Partnership System (NEPPS) anticipates that the State and the EPA will re-think how they are measuring program success. Previously, success was measured by how many inspections were performed or how many compliance actions were taken. At best, these were only surrogates for the water quality improvement that these program actions were meant to foster. The NEPPS process encourages both State and Federal program managers to direct management towards achieving environmental results. As such, the process requires determination of priority environmental goals and the subsequent development and use of environmental indicators and performance measures to measure the success in reaching these goals. This shift in emphasis from program activity measures to environmental quality measures is a key element of many current national and state initiatives to reinvent environmental protection.

NYSDEC and EPA Region 2 agree to measure the success of the water program in New York State using both environmental and programmatic indicators listed below. Both agencies have worked cooperatively to develop a specific list of performance measures and environmental indicators that will more accurately represent the impact our programs are having on the water resources of New York. The measures take into account the Government Performance and Results Act, which specifically requires quantifiable goals, and performance indicators to be reported by EPA to Congress in annual performance plans. In some cases these measures are activity based, while in others they are results based. For both the environmental and programmatic indicators, there are indicators at the national, state and regional/local levels.

IV.A. Programmatic Indicators

IV.A.1. National Indicators

IV.A.1.a. Office of Water - The first ten indicators, listed below, are those required by the EPA Office of Water. Three of these indicators are related to the drinking water program; the other seven are related to other water programs. It should be noted that while the NYS Department of Health is not currently included under this Performance Partnership Agreement, they have agreed to provide the information needed for reporting under the PPA to EPA, Region 2.

OFFICE OF WATER PROGRAMMATIC INDICATORS

	INDICATOR	METHOD OF REPORTING
***** 1.	% of water systems (and population served) providing drinking water that meets all drinking water standards throughout the year, reported separately for pathogens and chemicals.	SDWIS
***** 2.	% of public water systems that are covered by a fully implemented source water (ground or surface water) protection program.	SDWIS
***** 3.	% of unfiltered water systems (and population served) required to install filtration under the Surface Water Treatment Rule that met all requirements by the end of the year.	SDWIS
4.	% of waters that meet designated uses for aquatic life and for recreation; identification of impaired/threatened waters and the causes/sources of impairment.	305b Report
5.	NPDES Permit status, including the number and % of permits (including general permits) that are issued and current, issued and expired, or never issued. (This information will be reported by municipal majors, industrial majors, municipal minors and industrial minors, as well as CSO and Stormwater permits).	SPDES Information System
6.	Quarterly report State Revolving Fund and Construction Grant cumulative outlays. Semi-annually report cumulative construction grant administrative completions and closeouts.	Narrative Report
7.	Annually report the number of watershed placed based projects.	PPA Self-Assessment
8.	Progress in developing a Section 401 water quality certification program that addresses compliance of federal 404 permits with State water quality standards.	Narrative Report
9.	Progress in achieving comprehensive watershed programs.	Narrative Report
10.	Upgrade specific nonpoint source State program elements most in need of improvement (annual self-assessment of NPS program).	PPA Self-Assessment

***** *NYSDOH will submit information related to these indicators to EPA Region 2.*

IV.A.1.b. Office of Enforcement and Compliance Assurance:
NYSDEC will ensure the NY State Water Program fulfillment of the ten OECA core performance measures which were among those prepared by the EPA program office in August 1995 for the 1996 Environmental Performance Agreements. The EPA will fulfill its roles pursuant to these same measures. PCS will serve as the primary source of information and primary vehicle for information transfer to EPA for most of the water program measures. The ten OECA measures are listed below.

MEASURES

1. Compliance rates by industry sectors and by media.
2. Significant noncompliance rates by industry sector and by media.
3. Number of inspections conducted by State (equivalent to 80% of majors universe).
4. Number of administrative enforcement actions, number of civil judicial, and number of criminal action (a) initiated by each media, and (b) concluded for each media.
5. Describe up to ten State enforcement settlements in which innovative Supplemental Environmental Projects (SEPs) or injunctive relief are utilized.
6. Average time (for each media) needed by State either to return significant violator to compliance or to issue appropriate enforceable compliance plan starting from identification of violation (equivalent to timely and appropriate timeframe).
7. Percent of significant violators in each media that have new or recurrent significant violations within two years of receiving of formal enforcement action.
8. Reduction in pollutant emissions, discharge loadings, and improperly managed substances achieved by State through enforcement settlements including SEPs and injunctive relief.
9. Describe State's compliance assistance program including: the types of assistance provided; the number, and percent of facilities in industry sectors, assisted through each type; and an evaluation of effectiveness using available data.
10. Percent of facilities seeking assistance under the Interim Policy on compliance Incentives for Small Business, which complied within the requisite correction period (180 days or 360 days with pollution prevention).

Program descriptions and guidance (TOGS) will be used to describe DEC's Environmental Benefit Policy (equivalent of EPA's SEP) and DEC Water Program's compliance assistance program which are called for by specific OECA measures.

IV.A.2. State-wide Programmatic Indicators

Statewide programmatic indicators supplement the national indicators. All commitments will be completed on or before March 31, 1997 unless otherwise specified.

1. Underground Injection Control:

- Successful Class V well notification system in DEC Region 3 will be expanded to other DEC Regions.(DEC)

2. Ground Water Management:

- Finalize Comprehensive State Groundwater Protection Program (CSGWPP) Core. Program (DEC)

- Work with local authorities to have them initiate one or more WHP projects at the local level. (DEC)

- Class V industrial waste injection wells closed in high priority groundwater areas. (EPA)

3. Surface Water Quality Management: (DEC)

- Submit 1996 305(b) report to EPA (7/96)
- WQS revisions submitted to EPA (3/97)
- Complete reclassification process (3/97)
- NYSDEC adoption of GLWQI requirements (3/97)
- Submittal of 1996 303(d) list (5/96)
- Submittal of high-priority TMDLs from 303(d) list to EPA for review and approval (ongoing)
- Submittal of all non-303(d) TMDLs to EPA for review and approval (ongoing)
- Complete Final Reports for all Clean Lake Projects whose funding has expired (3/97).

4. National Pollutant Discharge Elimination System:

- SPDES Permit Development - NYSDEC develops SPDES permits on an environmental priority basis via the Environmental Benefit Permit Strategy (EBPS) system. During the program year, NYSDEC will develop permit modifications for the top 10% of the SPDES permits on the EBPS Priority Ranking.

- Combined Sewer Overflows - The NYSDEC CSO Control Strategy requires all CSO permittees to implement 13 Best Management Practices (BMPs). These effectively embrace the 9 minimum controls called for by the National CSO Policy. During the program year, NYSDEC will modify SPDES permits with CSOs to provide coverage for at least 50% of the number of Statewide CSOs (outfalls) with enforceable BMPs.

- EPA will review and approve all industrial pretreatment program modification requests received as of 4/1/96.

5. Wetlands:

- DEC/EPA jointly sponsor a Niagara Frontier Local Government Workshop to be held in October 1996. The workshop objective is to announce and distribute digitized soil maps, NYSDEC wetlands maps and USFWS NWI maps.

6. Dredged Material Management:

- Update freshwater and marine sediment guideline for the assessment of dredged material disposal.

- NYSDEC commits to the identification of disposal locations within the State of New York where dredging material is allowed to be disposed. All state standards and criteria which would apply to that disposal shall be identified.

7. Sediment Management Program:

- NYSDEC will maintain the National Sediment Inventory in the Great Lakes portion of New York State. As time and resources permit the data in the inventory from the remaining areas of the state will be edited and subsequently maintained.

- NYSDEC will conduct field studies to augment the data in the National Sediment Inventory and to investigate areas known or suspected of containing contaminated sediments. The EPA will provide adequate resources to support the analytical portion of these studies.

8. State Revolving Fund:

- DEC and EPA will promote the SRF program to municipalities. EFC will finance high priority projects for which municipalities apply for funds. DEC/EFC will ensure that the project priority system scores these projects highly so that they qualify for financing in the year in which they are ready to be financed. Strategic enforcement by EPA and DEC will be used to encourage municipalities to move forward with their projects.

- NYSEFC/NYSDEC commits to take necessary and appropriate actions to assure the making of cumulative SRF outlays as follows:

	Qt. 1	**Qt. 2**	**Qt. 3**	**Qt. 4**
SRF outlays	$70.2 million	$166.8 million	$198 million	$244.5 million

Construction Grants (205(g))

- NYSDEC agrees to continue to complete and close out the construction grants program in accordance with the annual staffing plan and the annual State specific strategy. NYSDEC commits to take necessary and appropriate actions to assure the making of cumulative construction grant outlays, and administrative completions

and Step 3/4 close outs as follows:

	Qt. 1	Qt. 2	Qt. 3	Qt. 4
Construction Grant Outlays	$2 million	$4 million	$6 million	$7.9 million
Administrative Completions	0	1	1	3
Step 3/4 Closeouts	1	6	9	15

9. Nonpoint Source Management:

- Begin updating NPS management program
- Report progress on achieving the established NPS program goals and the success of the NPS Program.
- Refine/implement CZARA NPS control measures

10. Data Management:

- DEC will maintain 100% of required WENDB data elements in PCS
- Approximately 5.5% of all N/SPDES parameters for EPA majors reported to DEC and into PCS will be submitted electronically as part of EDI pilot (DEC).

11. Public Participation:

- Provide a forum for public review and comment on the PPA.
- Encourage and support community-based environmental protection initiatives to implement the PPA.

12. Staff Sharing:

- Finalize Staff Sharing Memorandum Of Agreement between EPA Region 2 and NYSDEC. (Draft included as Appendix 3).

IV.A.3. Regional/Local Indicators

NYSDEC and EPA have agreed on the following Regional/Local Indicators to be fulfilled, whenever feasible, through the Community-Based Environmental Protection Process.

1. Community-Based Environmental Protection Initiatives:

- Report on status of commitments in watershed and placed-based projects (i.e., HEP).

- Final, written plan for CBEP program implementation, highlighting ongoing and proposed activities to encourage development of local-lead CBEP projects.

2. Great Lakes:

- Development and implementation of a Lake Ontario Stage I LaMP.

- Reduced inputs of critical pollutants to Lake Ontario and the Niagara River, as measured in Lake Ontario and annual Niagara River progress reports.

- Participate in the development and implementation of a Lake Erie Stage I LaMP that reduces the input of critical pollutants to the Niagara River.

- Development of Rochester and Eighteen Mile Creek RAPs, and biennial updates that demonstrate progress in restoring beneficial uses in the six New York Areas of Concern.

These performance measures rely on products that NYSDEC and/or EPA are already committed to generate, separate from the PPA process. Since the timing of these products will not necessarily coincide with EPA's annual grants cycle, EPA and NYSDEC agree that any progress in the New York Great Lakes program that is not reflected in the performance measures will be included in a DOW status report, which is developed as part of the annual PPA.

3. Onondaga Lake Management Conference:

- Complete and begin implementation of MCP

- Revise OLMP to reflect MCP

4. Long Island Sound Study:

- Report on status of LISS CCMP implementation every six months using management conference approved format.

- Meet EPA and NYSDEC commitments in the CCMP.

5. NYC Watershed:

- 100% of N/SPDES permits in NYC Watershed will be treated as NYSDEC significant class dischargers and will receive surveillance and compliance oversight/violation response consistent with existing EPA/DEC agreements governing NPDES authorization and NYSDEC/NYCDEP MOU with addendum outlining NPDES implementation.

- NYSDEC will assist in NYCDEP in complying with Filtration Avoidance Decision (FAD) by fulling the NYSDEC commitments outlined in the FAD and

MOA for both point and nonpoint source programs.

6. Peconic Estuary:

- EPA and NYSDEC will meet commitments in Action Plan.
- Progress in developing CCMP. (DEC)

7. New York/New Jersey Harbor Estuary/Bight:

- Meet EPA and NYSDEC commitments in the HEP CCMP. NYSDEC must submit an appropriate bi-state workplan with NJDEP for the Harbor-wide and Arthur Kill Trackdown efforts.

8. Citizen Statewide Lake Assessment Program:

- Annual Report on CSLAP. (DEC)
- Finalize management plans for those lakes in which there are 5 years of monitoring data available (list of lakes will be provided). (DEC)

9. Finger Lakes:

- Establish forum with stakeholders. (DEC)
- Begin preliminary work to develop a "State of the Lake" report on the Finger Lakes. (DEC)

10. Lake Champlain Management Conference:

- Complete and begin implementation of phosphorus reduction strategy. (DEC)
- Complete Final Management Plan. (EPA/DEC)

IV.B. Environmental Indicators

EPA, NYSDEC, and NYSDOH have agreed to establish an Environmental Indicators Workgroup to determine the most suitable environmental indicators for the State of New York and to determine what steps the Agencies need to take to report progress against those indicators using quality assured data. In order to facilitate this effort, the Environmental Indicators Workgroup will coordinate the development and implementation of the environmental indicators. The team will include program and monitoring staff as well as staff from appropriate NYSDEC offices and EPA Region 2's Monitoring Management Branch. The team will help ensure that the indicators selected through the effort are relevant measures of environmental conditions of interest, are technically feasible and that the information that is collected and reported for the indicators is valid and reliable.

IV.B.1. National/State Indicators

NYSDEC has agreed to report progress for all nine of the Tier I Indicators developed by the EPA Office of Water. NYSDEC has also agreed to evaluate opportunities to report progress for the seven Tier II Indicators. NYSDEC has evaluated the Tier I and Tier II environmental indicators developed by the Office of Water and has determined that it can report against the following nine indicators this fiscal year:

1.	Source protection for groundwater	Biennial Wellhead Protection Report
2.	Fish consumption advisories	305b Report
3.	Point source loadings to surface and groundwater	PCS
4.	Selected groundwater quality parameters	305b Report
5.	Nonpoint source impacts to surface and groundwater	305b and 303d Reports
6.	Shellfish bed closures	305b Report
7.	Selected surface water quality parameters	305b Report
8.	Biological integrity of the water	305b Report
9.	Contaminated sediments	Sediment Inventory Report

NYSDOH will be responsible for reporting on two of the Tier I indicators:

- Lead levels in public drinking waters; and
- Violations of drinking water standards.

The NYSDEC, NYSDOH, USEPA Region 2 will determine how best to report against the remaining national indicators in future years.

IV.B.2. Geographic-Specific Indicators

NYSDEC and EPA Region 2 agree to supplement these national/state environmental indicators with geographic-specific environmental indicators developed through the Community-Based Environmental Protection efforts. Examples for the New York/New Jersey Harbor Estuary and the Niagara River are included as Appendix 4 and 5, respectively.

SECTION V. FISCAL ACCOUNTABILITY

A driving force in DOW's desire to enter into a PPA with the EPA and other cooperating partners is the financial realities that the DOW faces. The DOW does not have sufficient staff or money to address all the programs that it is currently responsible for. We must look at the PPA as an opportunity to join our forces and funds with other interested parties in protecting and enhancing the water resources in New York.

DEC has a system in place to adequately account for salary and non-salary expenditures at the level deemed appropriate for the PPA. The State Central Accounting System uses a ten digit cost center to identify either the grant or specific project for which the costs are incurred. The system uses a four digit Time & Activity (T&A) code which identifies the function or task being performed by an individual.

The first step in the grant process is preparing the advanced notice forms for federal aid applications to the appropriate State regional clearinghouses and allowing them sufficient time to comment. This year the Division of Water has applied for each grant on a categorical basis notifying the clearinghouses that our intent is to include all grants allowed by the appropriations bills within the Performance Partnership Grant (PPG).

The next step is to prepare the grant application requesting federal funding from EPA. NYSDEC is preparing the FFY'97 PPG application for the water program consisting of Sections 106 and 104(b)(3) Water Quality Enhancement Program funds under EPA's State/Tribal Assistance Grants Program Element, which are funds eligible for PPG awards. Section 319(h) funds are also eligible for incorporation in the PPG; NYSDEC is requesting a categorical §319(h) grant to use FFY'96 grant funds but will be requesting incorporation of the FFY'97 §319(h) and §104(b)(3) funds in the PPG. As federal funds for FFY'97 §104(b)(3), §106, and §319(h) grants are appropriated, they will expediently be transferred to NYS's PPG with conditions on those portions which require the approval of a new PPA.

All other grant applications, §104(g), §205(g), §320, §604(b), the State Revolving Fund (NYS is receiving funding for four SRF targets from the Environmental Facilities Corporation), and any programs/project that receive funds from EPA's Environmental Program Management Program Element will be a categorical grant. However, if the FFY'97 Appropriation language allows the incorporation of any of these grants into the PPG, it is NYSDEC's intention to request the award reflecting this change. NYSDEC determines the estimated amount for personal services, fringe benefit, and indirect costs based on the SFY96/97 Division of Water consolidated workplan. These work years will not be tied back to any one specific grant but instead be the total required funding needed for the PPA. Then NYSDEC prepares a plan for the remaining non-personal services portion of the grant. The State match is the sum of the minimum cost share of the funding sources included in the PPG. To calculate a minimum cost share NYSDEC would use either a program's match requirement or a maintenance/level of effort requirement, depending on the relevant categorical grant program's source of funds. For example, for the Clean Water Act 106 program the established level of effort amount would be used as the required cost share; but, for programs that have both a match and a maintenance of effort (MOE) requirement, (i.e., the Nonpoint Source Section 319(h) program) the greater of the MOE or the 40% match requirement would be used as the cost share for that program. The minimum cost share for the PPG will be the sum of the comprised components. A breakout of all eligible component programs and

associated cost shares will be included in the PPG application. Further, it is understood that once the PPG is awarded NYSDEC will not be expected to tie the cost share dollars back to specific programs funded under the PPG. Although NYSDEC has the flexibility to realign these resources among environmental programs based on negotiated priorities in the PPA, the total resources in the PPG targeted to environmental water program will not be reduced.

NYSDEC will continue to follow the regulations for Standards for Financial Management Systems contained in 40 CFR Part 31.20. NYSDEC will maintain accounting and financial record which adequately identify the source (i.e., Federal funds and match) and application of funds provided for PPG activities. These records will contain relevant information such as obligations, unobligated balance, outlays, expenditures and program income. NYSDEC will track PPG funds to the total effort or costs incurred for the PPG work. EPA will reimburse the recipient of the federal share of the costs from the PPG budgetary program element. PPG costs will not be tracked to each of the original individual categorical source(s) of grant funding. The financial system used by the State affords an excellent audit trail from summary reporting down to the supporting source transaction detail.

All NYSDEC grant applications must receive Division of Fiscal Management approval before submission to the Federal agency. All matching fund requirements are identified and budgeted during this approval process. The grantor's review and approval ensure that eligibility criteria for the program are met.

When the PPG (or categorical grant) is awarded, NYSDEC will set up appropriate T&A codes and cost centers. NYSDEC will use cost centers to meet separate reporting requirements and maintain a T&A system to meet the time distribution requirements of grants. In past years, T&A codes were established to meet reporting requirements of the individual, categorical grants. Many of these T&A codes will not be necessary because the PPG combines these individual grants and reduces the level of detailed reporting. NYSDEC will continue to use specific T&A codes and cost centers for those on-going grants that have not been closed out. In future PPG applications, NYSDEC plans to reduce our total T&A codes and cost centers to meet only those major objectives within the workplan or when necessary for management purposes.

Funds are made available for expenditure based on the approved grant award(s) which specifies allowable costs. During the year, the program monitors T&A and cost center expenditures and executes contracts to comply with State and Federal laws. Program divisions are responsible for limiting charges against the cost center and time sheet codes assigned for this program to eligible expenditures only. Each time record must be reviewed and approved by a supervisor certifying that time and effort codes and other information were recorded correctly. Monthly and quarterly time and activity reports are reviewed by each program division. Also, reconciliation between reports and payrolls are completed by the Fiscal Office. Quarterly non-personal services funds are monitored and reports reviewed for accuracy. Data is provided by the Office of the State Comptroller (OSC) in the form of M161 and M085 computer files which contain the information shown in the OSC's VOU670 "Source Transactions Reports" and BUD060 "Cost Center Status Reports". NYSDEC maintains a computerized Time and Activity Reporting System which is based on data recorded on employee time sheets and data provided by OSC payroll computer files for the corresponding periods.

Time distribution reports, cost center reports, approved cost allocation plans (indirect costs), and all source transaction documents which support Financial Status Reports (FSRs) go through a review and reconciliation process to ensure their accuracy.

Fringe benefit rates are established by the OSC on an annual basis and indirect cost rates are negotiated with EPA on an annual basis. Indirect costs allocated to this program are based on Cognizant Agency Negotiation Agreements covering indirect cost rates negotiated with the EPA pursuant to OMB Circular A-87.

In the preparation of NYSDEC's annual indirect cost rate proposal to be submitted to EPA, all Department expenditures are classified and pooled into direct or indirect categories. Costs are further classified into eligible and ineligible categories pursuant to OMB Circular A-87. When the indirect cost rate proposal has been negotiated with EPA, indirect costs are captured based on actual direct labor plus fringe benefit costs.

Annual FSRs are comprised of T&A expenditures for the personal services, fringe and indirect portion of the grant award and cost center expenditures for the non-personal services portion. The Federal share of expenditures on an FSR are computed by applying the Federal share percentage times total eligible expenditures (up to the total grant award) regardless of original funding source. The reconciliation of Federal accounts and FSRs usually occur after the period for which they were incurred. Expenditures on FSRs are almost always on an accrual basis. NYSDEC's Federal FSRs are based directly on expenditure data from the State Central Accounting System. The same computerized data used to reconcile the T&A and non-personal services expenditures by program on a quarterly or monthly basis is used by the Division of Fiscal Management when preparing the annual FSRs.

The budget period for a PPG will be established for a 12 month period. A “final” FSR is due to EPA 90 days after the end of the budget period and all obligations incurred must be liquidated at that time. EPA may extend the due date to submit FSRs upon written request and submission of an “interim” FSR whenever unliquidated obligations are reported; however, a “final” FSR will be submitted no later than 180 days after the end of the budget period. All contractual agreements shall be entered in a timely manner to ensure the submission of a “final’ FSR within the prescribed time frame. Carryover of unobligated balances will be allowed provided they are used to support either ongoing programmatic goals, a multi-year PPG workplan, a PPA, or those activities contemplated for the next PPG award cycle’s goals.

This PPA covers the entire EPA supported NYSDEC Division of Water work efforts. The PPA will replace the categorical workplan when the PPA is signed. Tables A and B on the following pages identify the work years by program element for both the base and the CBEP programs, and the federal funding amounts and allocations for each grant category. These work years will be compared to the PPG/categorical applications to verify the total personnel services cost. In addition, the PPG/categorical applications will also provide the breakdown and justification on the program budget categories (e.g., travel, equipment, contracts, etc.).

NYSDEC DOW has also been chosen as one of four states in the nation to take part in the Partnership 2000 autogrant pilot project. This project’s goal is to make the grants management process an electronic (rather than paper) system.

Table A
DOW WorkYears by Program Element

Program Elements	Section 106	State Funded/ EPA Eligible [3]	State Revolving Fund (SRF)	Long Island Sound	State Funded/ Non-EPA Eligible	Section 319(h) [4]	Section 604(b)	Section 104(b)(3)	Harbor Estuary Program [5]	FEMA	Great Lakes	Other [1]	DOW TOTAL [2]
BASE PROGRAMS													
Public Outreach	1.36	1.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	**2.71**
Groundwater Management	3.97	3.97	0.00	0.00	0.00	5.52	0.00	0.00	0.00	0.00	0.00	0.00	**13.46**
NPDES	19.24	18.70	0.00	0.00	0.00	0.00	4.00	12.20	0.00	0.00	0.00	0.00	**54.14**
Wetlands Program	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	**0.00**
Dredged Material Management	0.00	1.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00	0.00	**2.22**
Sediment Management	0.00	0.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.00	0.00	**3.15**
Construction Grants/SRF	0.00	1.60	4.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	**5.60**
Non-Point Source Management	0.00	2.54	0.00	0.00	0.00	10.22	0.00	0.00	0.00	0.00	0.00	0.00	**12.76**
Data Management	4.52	4.04	0.00	0.00	0.00	0.00	5.00	0.00	0.00	0.00	0.00	0.00	**13.56**
Surface Water Management	8.00	17.17	0.00	0.00	0.00	0.00	4.00	0.00	0.00	0.00	0.00	5.00	**34.17**

Program Elements	Section 106	State Funded/ EPA Eligible [3]	State Revolving Fund (SRF)	Long Island Sound	State Funded/ Non-EPA Eligible	Section 319(h) [4]	Section 604(b)	Section 104(b)(3)	Harbor Estuary Program [5]	FEMA	Great Lakes	Other [1]	DOW TOTAL [2]
COMMUNITY-BASED ENVIRONMENTAL PROTECTION													
Lake Ontario/Niagara River Drainage Basin	0.00	15.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	11.74	0.00	**27.62**
Lake Erie	0.00	3.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.74	0.00	**7.49**
Onondaga Lake	0.00	1.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00	**2.39**
Long Island Sound	0.00	0.00	0.00	2.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	**2.74**
NYC Watershed	4.65	4.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	**9.30**
Peconic Bay	0.00	0.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	**0.79**
NY/NJ Harbor	4.28	4.29	0.00	0.00	0.00	0.00	0.00	0.00	1.80	0.00	0.00	0.00	**10.37**
Lake Champlain	0.00	1.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.00	**3.48**
Adirondack Lake	0.00	1.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	**1.57**
RAPS	0.00	0.51	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.52	0.00	**1.03**
Finger Lakes	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	**0.00**
CSLAP	1.98	0.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	**2.97**
Water Quantity Mgmt & Flood Erosion Management	0.00	0.00	0.00	0.00	39.48	0.00	0.00	0.00	0.00	2.00	0.00	2.00	**43.48**
TOTAL	**48.00**	**86.04**	**4.00**	**2.74**	**39.48**	**15.74**	**13.00**	**12.20**	**1.80**	**2.00**	**20.00**	**10.00**	**255.00**

[1] Other = 6 Monitors, 1 Onondaga, 2 Hazardous Waste Remediation plus 1 Capital.
[2] Workyears are based on the average DOW salary of $83,876.
[3] Additional 106 match may be claimed from DSM OS T&A. Also, a portion of this match is also eligible to earn the 104(g) Operator Training grant, which is used for non-personal services only.
[4] The 319(h) match requirement will be met through a combination of non-personal services contract and DSM HSBS T&A.
[5] Harbor Estuary Program match will be met through an EPF contract.

Table B
DOW Program Grant Awards and Estimated Allocations

Grant	Classification [1]	Carry Forward Balance 4/1/96	FFY'96 Grant Awards	Estimated Expenditure Allocation Based on PPA [2]	FFY'97 Award	Carry Forward Balance 3/31/97
Hazardous Waste Remediation & Onondaga	PS NPS	251,628 6,000	0 0	251,628 6,000	0 0	0 0
Settlement & Research Monitors	PS NPS	335,504 102,876	0 0	335,504 102,876	0 0	0 0
Clean Lakes	PS NPS	34,038 50,423	0 0	0 25,212	0 0	34,038 25,211
Capital	PS NPS	83,876 4,000	0 0	83,876 4,000	0 0	0 0
Section 104(b)(3)	PS NPS	848,619 0	1,023,581 0	1,023,287 0	0 0	848,913 0
Section 106	PS NPS	2,153,850 0	0 0	4,026,048 125,000	0 0	(1,872,198) (125,000)
Section 319(h)	PS NPS Pass-Thru	0 45,091 989,738	1,320,208 1,223,564 839,292	1,320,208 1,193,655 989,738	0 0 0	0 75,000 839,292
Section 604(b)	PS NPS Pass-Thru	587,132 28,857 713,978	503,256 362,612 577,246	1,090,388 391,469 713,978	0 0 0	0 0 577,246
State Funded/Grant Eligible	PS NPS	0 0	7,215,852 420,000	7,215,852 420,000	0 0	0 0
State Funded/Non-Grant Eligible	PS NPS	0 0	3,301,345 80,000	3,301,345 80,000	0 0	0 0
State Revolving Fund (SRF)	PS NPS	0 0	335,504 12,000	335,504 12,000	0 0	0 0
Long Island Sound (LIS)	PS NPS	147,934 231,909	317,125 0	229,820 231,909	0 0	236,239 0
Harbor Estuary Program (HEP)	PS NPS	0 0	150,000 0	150,000 0	0 0	0 0

Grant	Classification [1]	Carry Forward Balance 4/1/96	FFY'96 Grant Awards	Estimated Expenditure Allocation Based on PPA [2]	FFY'97 Award	Carry Forward Balance 3/31/97
Great Lakes	PS NPS	444,611 180,886	1,149,033 458,142	1,593,644 518,028	0 0	0 121,000
FEMA	PS NPS	178,808 8,942	0 15,000	178,808 23,942	0 0	0 0
Great Lakes National Program Office (GLNPO) [3]	PS NPS	0 42,730	83,876 16,124	83,876 58,854	0 0	0 0
104(g)	PS NPS	0 66,127	0 33,500	0 54,081	0 0	0 45,546
106 Discretionary/NEI/Monitors	PS NPS	0 100,000	350,000 0	167,752 100,000	0 0	182,248 0
Geographic Information System (GIS)	PS NPS	0 84,487	0 0	0 84,487	0 0	0 0
TOTAL	**PS** **NPS** **Pass-Thru**	**5,066,000** **952,328** **1,703,716**	**15,749,780** **2,620,942** **1,416,538**	**21,387,540** **3,431,513** **1,703,716**	**0** **0** **0**	**(571,760)** **141,757** **1,416,538**

[1] PS - Personal Services, NPS - Non-Personal Services
[2] PS is based on the average DOW salary of $83,876. PS allocations match workyear estimates in Table A.
[3] GLNPO PS Estimated Expenditure Allocation is included in Great Lakes workyear effort in Table A.

SECTION VI. PUBLIC INVOLVEMENT

VI.A. Public Participation in the Performance Partnership Agreement

When the SFY 1996/97 Performance Partnership Agreement (PPA) is executed, the Division of Water (DOW) plans to announce in the Environmental Notice Bulletin (ENB) that copies are now available for distribution.

That Notice will state that public participation involvement for this SFY 1996/97 pilot effort involved review by the Water Management Advisory Committee (WMAC) which met on May 21, 1996 to discuss the PPA. Subsequently a comment period of 38 days for WMAC members was allowed. Comments received were addressed in a DOW Responsiveness Summary.

In the same Notice, DOW will announce that it expects to be entering into a similar agreement for SFY 1997/98 and will be seeking input through WMAC and three public meetings which will be held in the Fall of 1996. The date, time, and location of those public meetings will be subsequently announced in the ENB.

As the pilot PPA is prepared in 1996, the Division of Water proposes the following activities to satisfy the public involvement requirements of the PPA for SFY 1996/97. Staff of the Division of Water's Public Participation Section will facilitate public involvement in the development of the PPA.

Objectives:

- Promote an awareness and understanding of the PPA and how it relates to the Division of Water's mission, goals and workplanning process.

- Promote public consultation and involvement in the development of this pilot PPA to meet EPA's requirements for awarding a Performance Partnership Grant (PPG).

- Encourage and support partnerships at all levels to improve and protect New York's natural resources.

EPA and DOW have already agreed to the following actions for SFY 1996/97:

1. Submit the self-assessment and PPA to WMAC so that representatives of a wide range of Statewide water interests can review them and comment.

2. Discuss the PPA and strategic planning process during the May meeting of WMAC to increase members' understanding and identify questions, comments or concerns. Invite written comments up until June 14, 1996.

3. Use the forums provided by Water Courses, Clearwaters, and NY Environment to develop articles of appropriate length and detail describing the PPA/PPG for the audiences served by those publications so that they will understand and support our results orientation and look for/contribute to future reports.

4. Seek opportunities for Division leaders and program staff to explain the PPA process and to

identify partners at professional conferences during the coming year to increase the base of potential or actual partners.

5. Hold public meetings on the purpose and intent of the PPA and its relationship to the Performance Partnership Grant for the eligible water programs in the PPA.

Future Public Involvement in the PPA

In subsequent years, as the PPA evolves and becomes integrated into the Division of Water's annual workplanning and reporting cycle, a more complete and comprehensive public involvement plan could be implemented. This would include activities identified for SFY 96-97 (consulting with WMAC, notice in the ENB, articles in newsletters and conference presentations), as well as implementing some or all of the following activities:

For publics already involved in the Division of Water's Statewide programs and planning, such as WMAC and others to be identified, as appropriate:

1. Continue to describe and update the PPA/PPG process so that they understand how expenditures of effort and funds relate to environmental improvements. Encourage representatives to take the message back to their own constituents to generate interest in building local partnerships to take on local environmental improvement projects.

2. Continue to solicit informed comment for decision-makers to consider when setting environmental priorities, including alternative approaches for addressing priorities and implementing Statewide programs and community-based initiatives. Seek feedback on how credible and reliable the public finds the measures used to evaluate environmental outcomes.

3. Continue to solicit ideas about ways to seek new partners and increase the level of involvement of existing partners; coordinate efforts with the Department's Constituency Building Task Force. Work especially with the basin teams now in the planning stages.

4. Seek suggestions for refining the public involvement plan for the PPA.

5. Hold public meetings in central locations to take the partnership message to the public. These could range from an enlarged spring WMAC meeting to a road show with presentations and structured discussion in each DEC region. Build local interest on taking on projects.

6. Put PPA presentations on the agenda of regular meetings of existing advisory and coordinating groups, such as the interagency Nonpoint Source Coordinating Committee.

For publics potentially involved in reviewing the PPA, such as groups associated with community-based/geographically targeted projects, professional associations, public officials, businesses and industry, and information suppliers (researchers, Cornell Cooperative Extension, etc.):

7. Provide simplified PPA information materials and opportunities for them to explore the topic in more detail and comment on issues 1-4, above. Phase PPA public involvement into the existing

annual cycle of the Division of Water's planning and outreach activities. For example, materials could be distributed in Water Week packets in spring and provided to central office and regional staff at the beginning of the workplanning cycle in late summer/early fall. Stewardship recognition (in June) could include partners.

8. Include PPA information in presentations at regularly scheduled meetings, conferences or workshops. Hold availability sessions in conjunction with those meetings or on their own.

9. Identify and implement ways for local environmental needs to be met by local partners, with technical assistance from DEC and EPA, as appropriate.

10. Seek ways that community-based projects could ultimately be coordinated across all media.

11. Set up a mechanism for coordinating partners' reports in a simple, unifirm format so that performance measures and environmental indicators can be tracked.

Comments from feedback from all of these audiences should be compiled so that DOW decision-makers can detect good ideas and trends in public opinion. A responsiveness summary should be prepared and distributed for each round of input so that those who take the time to comment see that their ideas have been considered. As follow-up, those who participate in commenting should be recognized in some way. As partners complete identified stages of projects that have been mutually agreed upon, recognize their efforts and encourage further progress.

VI.A.1. Public Involvement Plan

I. Goal

Assist in developing the Performance Partnership Agreement so that the strategies outlined in it meet the needs of New York's citizens and so that the Division of Water is held accountable for the use of its resources. Public Participation staff will facilitate the public's involvement in the development of the document by:

- providing a forum for public review and comment
- providing public information

II. Objectives

A. Promote an awareness and understanding of the Performance Partnership Agreement (PPA) and how it relates to the Division of Water's mission and goals.

B. Promote public consultation and involvement in the annual development of the Division of Water's PPA.

C. Encourage and support partnerships to improve and protect New York's water resources.

III. Audiences

A. **Involved Public**: Informed individuals and groups actively involved in the Division of Water's programs and planning.

- Statewide audiences, such as:

  - Water Management Advisory Committee

- Community Based/Geographically targeted audiences, such as:

  - RAP Committees
  - Targeted Great Lakes audiences
  - Lake Champlain Management Conference
  - National Estuary Management Conferences
  - Hudson River Management Conference
  - County Water Quality Coordinating Committees
  - Regional Planning and Development Boards
  - Department of Health (counties)

B. **Potentially Involved Public**: citizens and groups interested in protecting and improving New York's water resources; groups working or having the potential for working cooperatively with the Division on water issues, such as

- Citizens
- Water Stewards
- Water Resource Advocates (i.e., professional associations, trade/business associations, conservation/environmental groups)
- Business/industry
- Public officials
- Information Providers (i.e., academia, Cooperative Extension)

IV. **Messages**

A. Information out:

1. For Involved Public:

   - Background about the Performance Partnership Agreement and Grant

- Background about EPA's environmental indicators and DOW's environmental performance measures
- Describe and solicit partnership involvement
- Describe the public involvement process
- Provide and clarify DOW's Self-Assessment document and Performance Partnership Agreement

2. For potentially involved public:

- Announce and define the Performance Partnership Agreement
- Describe and solicit partnership involvement
- Describe public involvement process
- Explain where to get more information

B. Information in:

1. For involved public:

- Comments and suggestions about the DOW's priorities, direction, implementation plan, etc.
- Suggestions for partnerships that could be included in the Agreement
- Suggestions for refining the public involvement plan outlined in the Agreement

2. For potentially involved public:

- Questions/comments about potential partnerships

V. <u>Possible Activities</u>

A. Mailing List

1. Mailing list of the involved public

a. WMAC
b. Others who ask to be involved

2. Mailing list of potentially involved public (database)--Choose from audience list above

B. Information Materials

1. For the involved public:

- Background materials

- Specific materials about the current Performance Partnership Agreement

2. For the potentially involved public:

- General overview could get to the public through pieces in such media as the **Environmental Notice Bulletin**, **New York Environment**, **The Conservationist**, 3rd party newsletters, and **Water Courses**

C. Meetings/Workshops/Contacts

1. Meetings with existing advisory groups

2. Presenting information at already scheduled meetings, conferences, workshops

3. Availability sessions

4. Personal contacts

D. Media

1. *Environmental Notice Bulletin*

2. Newspapers for meeting announcements

VI.B. Stakeholder Commitments

- **Definition of Partnerships:**
Partnership: a mutually beneficial, voluntary and possibly contractual association of two or more **stakeholder organizations** working together towards common goals to address shared interests and concerns. Partnerships exist along a continuum, varying in intensity of the relationships. At the more structured end, stakeholders may be linked by a formal agreement or

memorandum of understanding, connected in a fiscal, legal or consensual relationship. Or the stakeholders may come together less formally in relationships that may be looser or short-term, such as committees for a particular project or phase of an enterprise. In the middle are a vast array of partnerships that change and evolve in response to needs. Stakeholders may be of equal or unequal stature, and they may or may not share common characteristics. They also may change their degree of partnership relationship over time.

For NYSDEC Division of Water, examples of long-term, formal partnerships include collaborations with complex structure, substantial cost and/or binding membership obligations with organizations such as:

- -- EPA
- -- Basin Commissions
- -- County Health Departments
- -- US/Canada Lakewide Management Plans (LaMPs) for Lake Erie and Lake Ontario
- -- County Water Quality Coordinating Committees

Examples of the middle range of partnerships include cooperative or coordinating alliances that have moderate or low costs and some membership requirements:

- -- 120+ Lake associations participating in the CSLAP program
- -- Nonpoint Source Coordinating Committee (interagency)
- -- 18 colleges/local agencies on the (wastewater operator) Training Advisory Committee
- -- Remedial Action Plan Advisory Committees (RACs)
- -- Water Management Advisory Council

Examples of less formal associations include short-term alliances and networks that are easy to join or exit and where the outcomes are entirely voluntary:

- -- Watershed Model Ad Hoc Committee
- -- Water Stewards
- -- WaterWise Council
- -- Niagara River Ad Hoc Public Involvement Committee

- **Benefits of partnerships:**
  Because each partner is a stakeholder in a common purpose, individual organizations are able to achieve more creative, cost-effective and acceptable ways to protect resources than any could do alone. Partnerships are enhanced by increased communication and evidenced by collaborative work conducted in a spirit of sharing and cooperation. For the NYSDEC Division of Water, partnerships mean extending our ability to protect water quality.

  As part of an agency-wide survey conducted in July, 1995, staff in the Division of Water identified 75 partners. A quick review of the forms reveals that the partnerships range from long term, large scale, international projects to short term, project-specific advisory or review relationships.

- **Examples of the range of Division of Water's partners, by the type of partnership:**

Type of Partnership					
Scale	**Legal**	**Contractual**	**Coordinating**	**Advisory**	**Voluntary**
International	IJC			RACs	
Federal	EPA	EPA		EPA	
InterState	DRBC	LCBP			
Statewide	WRPC	CSLAP	NPSCC	WMAC	
In-State regional/Watershed	Onondaga	L. George		RACs	
Counties		CWQCCs		Outreach Specialists	
Municipalities	Permittees	training	Assn/towns	tech assist	Stewards*
Business/industry	Permittees				
Schools, youth groups				Teachers	Stewards

* Stewards are groups or individuals who have reported their activities in protecting or preserving New York's water resources to the Public Participation Section. Groups include businesses and industries, schools and youth groups, municipalities and agencies, and civic or environmental organizations as well as individuals. The current total is 460.

The attached list identifies some of the Water Program's stakeholders as Statewide or community based partners.

In addition, the DOW interacts with audiences that would not be considered partners but who are interested in specific issues, places or activities. Examples would be those who attend events such as the State Fair, public meetings, hearings or issue-oriented workshops.

PLANS FOR BUILDING COMMUNITY-BASED PARTNERSHIPS

The Division of Water will develop a plan to strengthen existing partnerships and build new ones for community-based projects. A starting point will be the use of the Water Management Advisory Committee (WMAC) to spur interest by local groups. Existing subdivisions of the State, such as DEC Regions or counties, could be the focal points for putting forth information about how local entities can take the lead on solving local problems. As Basin Teams become organized in selected watersheds of the State, they could also help to match problems and problem-solvers. DEC could help coordinate proposals, secure commitments and act as a clearinghouse for technical assistance and support. Both DEC and EPA could supply such assistance or support, as appropriate.

VI.B.1. Partial List of Statewide Partners

- Division of Water Stewards
- Water Management Advisory Committee
- County Water Quality Coordinating Committees
- New York Nonpoint Source Coordinating Committee
- NYS Federation of Lake Associations (Statewide Lake Management Forum)
- Environmental Protection Agency
- NYS Water Resources Institute
- Cornell Cooperative Extension
- NYC Department of Environmental Protection
- New York Water Environment Association
- Business Council of New York State
- NYS Department of Health
- NYS Department of Transportation
- Environmental Facilities Corporation
- Natural Resources Conservation Service
- New York Sea Grant
- NYS Soil and Water Conservation Committee
- Department of State
- American Water Works Association
- US Army Corps of Engineers

VI.B.2. Partial List of Partners in Geographically Targeted Areas

- Oswego River RAP Remedial Advisory Committee
- St. Lawrence at Massena RAP Remedial Advisory Committee
- Lake Erie LaMP Binational Public Forum
- Lake Ontario LaMP Public Involvement Committee
- Niagara River LaMP Public Involvement Committee
- Niagara River Ad-Hoc Public Involvement Workgroup
- Lake Erie LaMP Public Involvement Committee
- Rochester Embayment RAP Remedial Advisory Committee
- Eighteenmile Creek RAP Remedial Advisory Committee
- Niagara River RAP Remedial Advisory Committee
- Buffalo River RAP Remedial Advisory Committee
- Water Resource Board of the Finger Lakes
- New York/New Jersey Harbor Estuary Program
- SUNY Oneonta Biological Field Station
- Rensselaer Polytechnic Institute (RPI) Freshwater Institute

SECTION VII. PROCESS FOR REPORTING SUCCESS

Section IV identifies the environmental and programmatic indicators at the national, state and regional/local levels that will be used to measure the success of the water program delivered in New York State by NYSDEC, EPA and our partners. Many of these indicators are specifically identified in conjunction with explicit performance expectations. Others are identified more generally and without performance expectations. NYSDEC and EPA Region 2 will establish a work group:

- to ensure that we have the ability to report this pilot year, using quality-assured data for as many of the indicators as possible; and

- to identify the steps necessary so that we can report against a more complete set of indicators in future years.

NYSDEC has the primary responsibility for assessing the success of the water program in New York State. NYSDEC will prepare an annual self-assessment using the indicators identified in Section IV. EPA Region 2 will review the State's assessment and supplement it only as necessary.

The purpose of reporting successes is to demonstrate progress achieved in implementing the PPA. For EPA, the messages would be that we are meeting the requirements of federal laws and providing a good return on investment for EPA funding, and improving our protection of public health and the environment. The messages for EPA, the partners in all categories, and for the broader public are environmental progress achieved, the cost-effectiveness of partnerships and ways that potential partners can come into the process.

The reporting process can also accomplish other DEC/DOW goals of satisfying customer expectations and increasing stewardship by providing an opportunity for feedback and recognition. A questionnaire included in publications made available to the public could ask what environmental improvements the recipient expects to see and how these might be achieved; how they want to be involved, what additional information they would like and in what mode they want to receive it. The reporting process could also include recognition of outstanding accomplishments by partners in each of the identified categories. Meetings, exhibits and news releases are other means of communicating successes.

To a large extent, DEC's existing reports can serve as the major means of communicating with EPA, if they are rethought and redesigned as more user-friendly communication tools for broader publics. From these reports, not all of which are produced on an annual basis, a shorter, simpler, plain language document could be produced for the partners and interested publics, distributed upon request and in the Water Week packet.

for EPA	for partners	for interested public
305(b) report (5yr)	Exec summary	report card env'l results
Self assessment/PPA	basin reports	general summary partnership
Sediment inventory report	→	(replaces "Snapshot" and is part
Wellhead Protection rpt	→	of DEC ann'l report)

To complete the information loop, the Division of Water would also need some mechanism for obtaining reports from partners in a format that could easily translate into performance indicators, environmental indicators and be compiled by basin and, if appropriate, geographically targeted areas. Ideally, we would devise a system that cross references these categories. For example, the reports on partnership efforts for reducing point source loadings to surface and groundwater (Env'l indicator #7) could be both summarized for the State and split by drainage basin. As a result, both the Statewide Wellhead Protection Report and the periodic basin reports would contain information about progress toward improving conditions, as measured by the relevant indicators.

In addition, DOW should consider an annual partnership and progress review jointly with EPA and WMAC, to include the Regional Water Engineers (perhaps during Water Week). Other options include a news release about the report card and exhibits for regions and State Fair.

Appendix 1

GLOSSARY OF ACRONYMS IN THIS DOCUMENT

AC&C	Abatement Control and Compliance Funds
AOC	Area of Concern, focus for Great Lakes Remedial Action Plans
ARC	Appalachian Regional Commission
ARCS	Assessment and Remediation of Contaminated Sediments
AVID	Advance Identification
BCCs	Bioaccumulative chemicals of concern
BMPs	Best Management Practices
BPJ	Best professional judgment
CAA	Clean Air Act
CAC	Citizen Advisory Committee
CAFO	Concentrated Animal Feeding Operation
CCMP	Comprehensive Conservation and Management Plan
CBEP	Community-Based Environmental Protection
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act (1980)
COE	(US Army) Corps of Engineers
CSGWPP	Comprehensive State Groundwater Protection Program
CSLAP	Citizens Statewide Lake Assessment Program
CSO	Combined Sewer Overflow
CWA	Clean Water Act (federal)
CWS	Community Water Supply
CZARA	Coastal Zone Act Reauthorization Amemdments of 1990

CZMA	Coastal Zone Management Act (federal) (§ 6217 controls NPS pollution in coastal areas)
DECA	Division of Enforcement and Compliance Assistance (EPA - Region 2)
DEIS	Draft Environmental Impact Statement
DEPP	Division of Environmental Planning and Protection (EPA - Region 2)
DESA	Division of Environmental Science and Assessment (EPA - Region 2)
DHWR	The Division of Hazardous Waste Remediation (NYSDEC)
DMR	Discharge Monitoring Reports - data from SPDES permit holders
DOI	Declaration of Intent
DOW	The Division of Water (NYSDEC)
EBPS	Environmental Benefit Permit Strategy, a method of prioritizing the review and issuance of SPDES permits for the most environmentally significant dischargers.
ECL	Environmental Conservation Law
EDI	Electronic Data Interchange
EEQ	Existing Effluent Quality
EFC	Environmental Facility Corporation
ENB	Environmental Notice Bulletin (New York State)
EPA	The United States Environmental Protection Agency - Region 2
EPF	(New York State) Environmental Protection Fund
ERRD	Emergency and Remedial Response Division (EPA - Region 2)
FAD	Filtration Avoidance Decision
FEIS	Final Environmental Impact Statement
FLA/WRB	Finger :Lakes Association/Water Resources Board
FOLA	Federation of Lake Associations

FLAVCP	Finger Lakes Aquatic Vegetation Control Program
FRDS	Federal Reporting Data System
FSR	Financial Status Report
GICS	Grants Information Control System
GIS	Geographic Information System
GLC	Great Lakes Commission
GLG	Great Lakes Guidance
GLI	Great Lakes Initiative
GLNPO	Great Lakes National Program Office
GLCPG	Great Lakes Contaminated Sediment Program Grant
GLTXRE	Great Lakes Toxics Reduction Effort
GLWQI	Great Lakes Water Quality Initiative
GRTS	Grants Reporting and Tracking System
HEP	Harbor Estuary Program for New York/New Jersey Harbor
HUD	Housing and Urban Development
IADN	International Atmospheric Deposition Network
IFMS	Integrated Financial Management System
IMA	Interagency Memorandum of Agreement
IPP	Industrial Pretreatment Program
ISC	Interstate Sanitation Commssion
LA	Load Allocation
LaMP	Lakewide Management Plan, in progress for Lake Ontario and Lake Erie
LIS	Long Island Sound

LISS	Long Island Sound Study
MCL	Maximum contaminant levels
MCP	Municipal Compliance Plan
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
N	Nitrogen
NEP	National Estuary Program
NEPPS	National Environmental Performance Partership System
NGO	Non-governmental organization
NOAA	National Oceanographic and Atmospheric Administration
NOTL	Niagara-on-the-Lake
NPDES	National Pollutant Discharge Elimination System (see also SPDES) When designated N/SPDES, it covers both in New York State.
NPL	National Priority List (of hazardous waste sites)
NPS	Nonpoint source
NPSCC	(New York State) Nonpoint Source Coordinating Committee
NRCS	Natural Resource Conservation Service (formerly, Soil Cons. Service)
NRTMP	Niagara River Toxics Management Plan
NSI	National Sediment Inventory (database)
NTPWS	Non-transient public water supply
NYBRP	New York Bight Remedial Plan
NYC	New York City
NYCDEP	New York City Department of Environmental Protection

NYS	New York State
NYSDEC	The New York State Department of Environmental Conservation
NYSDOH	The New York State Department of Health
NYSDOT	New York State Department of Transportation
NYSEFC	New York State Environmental Facilities Corporation
ODBA	Ocean Dumping Ban Act
ODES	Ocean Data Evaluation System
OECA	Office of Enforcement and Compliance Assistance (EPA Headquarters)
OLMC	Onondaga Lake Management Conference
OLMP	Onondaga Lake Management Plan
OMB	(New York State) Office of Management and Budget
OSC	(New York State) Office of the State Comptroller
P	Phosphorus
P2	Pollution Prevention
PCB	Polychlorinated Bi-Phenyl
PCS	Permit Compliance System
PEP	Peconic Estuary Program
POTW	Publicly Owned Treatment Works
PPA	Performance Partnership Agreement
PPG	Performance Partnership Grant
PPP	Performance Partnership Program
PPS	Project Priority Scoring (System), used to score and rank applications for State Revolving Fund monies.

PWP	Priority Water Problem (list), a compilation of surface water segments impaired by point or nonpoint source pollutants; since 1995, referred to as the Priority Waterbody List (PWL).
PWS	Public Water Supply
PWSS	Public Water Supply Supervision
QA/QC	Quality Assurance/Quality Control
QNCR	Quarterly Non-Compliance Report
RAPs	Remedial Action Plans, for the seven NYS areas of concern
RECD	Rural Economic Community Development
R-EMAP	Regional Environmental Monitoring and Assessment Program
RI/FS	Remedial Investigation/Feasibility Study
RIBS	Rotating Intensive Basin Surveys
ROD	Record of Decision
RUQuS	Review Updata and Query System
S&T	Status and Trends
SAMP	Special Area Management Plan (for wetlands)
SAPA	State Administrative Procedures Act
SAV	Submerged aquatic vegetation (in wetlands)
SDWA	(Federal) Safe Drinking Water Act
SDWIS	Safe Drinking Water Information System
SEQRA	State Environmental Quality Review Act
SERP	State Environmental Review Process
SIU	Significant Industrial User

SNAP	Significant Non-Compliance Action Program
SNC	Significant non-compliance
SPDES	State Pollutant Discharge Elimination System (see NPDES)
SRF	The State Revolving Fund
SSA	Sole source aquifer
STP	Sewage Treatment Plant
T&A	Time and Activity
TCR	Total Chlorine Residual
TIE	Toxicity Identification Evaluation
TMDL	Total Maximum Daily Loading
TMP	Toxic Management Plan
TOGS	Technical and Operational Guidance Series
TW	Tidal Wetlands
USGS	United States Geological Survey
VOC	Volatile Organic Compounds
WCP	Whole Community Planning
WECC	Watershed Enforcement Coordination Committee
WENDB	Water Enforcement National Data Base
WHP	Wellhead protection (program)
WICSS	Water Integrated Compliance Strategy System
WLA	Wasteload allocation
WLIS	Western Long Island Sound
WMAC	Water Management Advisory Committee (DEC)
WQ	Water Quality
WQS	Water Quality Standards

Appendix 2

Ambient Water Quality Information

Tables 1 - 8

NEW YORK STATE WATER QUALITY 1994

TABLE 1

Degree of Designated Use Support

Not Supporting/Precluded	Water quality and/or associated habitat degradation precludes, eliminates, or does not support a classified use; natural ecosystem functions may be significantly disrupted. e.g.: Upper Hudson River closed to fishery due to PCB contamination. Sacandaga River devoid of benthic organisms due to flow extremes from power dam releases. This precludes viable fishery.
Partially Supporting/Impaired	Water quality and/or habitat characteristics frequently impair a classified use. Also applied when the designated use is supported, but at a level significantly less than would otherwise be expected. Natural ecosystem functions may be disrupted. e.g.: Beaches in marine water are often closed after storm events due to high coliform levels from CSOs and stormwater runoff. There is a specific advisory regarding white perch and small mouth bass consumption in the lower Mohawk River. This discourages fishing due to toxic concerns.
Partially Supporting/Stressed	Reduced water quality is occasionally evident and designated uses are intermittently or marginally restricted. Natural ecosystems may exhibit adverse changes. e.g.: Ambient water column analyses indicate occasional standard violations, but impaired use not evident. Localized aesthetic problems exist.
Fully Supporting, but Threatened	Water quality presently supporting designated use and ecosystems exhibit no obvious signs of stress. However, existing or changing land use patterns may result in restricted use or ecosystem disruption. e.g.: Numerous proposals for development in headwaters of waterbody or in area of small waterbody. Schoharie Creek is one example with residential pressure. The Battenkill is subject to pressure during high periods of papermaking cycles.

TABLE 2

OVERALL USE SUPPORT SUMMARY

	DEGREE OF DESIGNATED USE SUPPORT					
Waterbody Type	Fully Supporting	Fully Supporting, but Threatened[1]	Partially Supporting/Stressed[1]	Partially Supporting/Impaired[1]	Not Supporting/Precluded [1]	Total Assessed
Rivers and Streams Size units: Miles	48,844	1,292	2,229	960	304	52,337
Lakes and Reservoirs Size units: Acres	370,457	34,527	108,979	292,335	19,011	790,782
Bays and Estuaries Size units: Square Miles	799	2	12	457	262	1,530
Great Lakes Coastline Size units: Shore Miles	84	0	70	423	0	577
Ocean Coastline Size units: Shore Miles	117	0	0	0	3	120

[1]**Refer to Table 1 for descriptions of degree of designated use support.**

TABLE 3.1

INDIVIDUAL USE SUPPORT SUMMARY

Type of Waterbody: Rivers, Streams
Size Unit: Miles

Use	Supporting	Supporting, but Threatened	Partially Supporting	Not Supporting	Not Attainable	Unassessed
Fish Consumption	52,014	0	279	44	---	---
Shell fishing	NA	NA	NA	NA	NA	NA
Aquatic Life Support	45,701	2,250	4,140	246	---	---
Swimming	51,686	251	374	26	---	---
Secondary Contact*	50,716	512	1,016	93	---	---
Drinking Water Supply**	4,308	135	297	0	---	---
Agriculture***	52,014	0	279	44	---	---
Aesthetics	50,556	588	1,172	21	---	---

***** **For the purpose of this assessment, includes boating and recreational fishing.**
****** **The total mileage of rivers and streams classified for use as a potable water supply is approximately 4,605 miles.**
******* **For the purpose of this assessment, it is assumed that waters which do not fully support fish consumption also do not support agricultural use.**

TABLE 3.2

INDIVIDUAL USE SUPPORT SUMMARY

Type of Waterbody: Lakes, Reservoirs
Size Unit: Acres

Use	Supporting	Supporting, but Threatened	Partially Supporting	Not Supporting	Not Attainable	Unassessed
Fish Consumption	647,130	0	140,706	2,946	0	0
Shell fishing	NA	NA	NA	NA	NA	NA
Aquatic Life Support	582,173	137,715	191,292	17,317	0	0
Swimming	612,299	37,530	173,698	4,785	0	0
Secondary Contact*	610,455	48,440	178,143	2,184	0	0
Drinking Water Supply**	333,194	62,223	84,793	0	0	0
Agriculture***	647,130	0	140,706	2,946	0	0
Aesthetics	593,077	31,081	191,305	6,400	0	0

***** **For the purpose of this assessment, includes boating and recreational fishing.**
****** **Based on an estimate of 417,987 total acres of lakes and reservoirs classified for use as potable water supply.**
******* **For the purpose of this assessment, it is assumed that waters which do not fully support fish consumption also do not support agricultural use.**

TABLE 3.3

INDIVIDUAL USE SUPPORT SUMMARY

Type of Waterbody: Bays, Estuaries
Size Unit: Square Miles

Use	Supporting	Supporting, but Threatened	Partially Supporting	Not Supporting	Not Attainable	Unassessed
Fish Consumption	1,347	0	167	16	0	0
Shell fishing	1,329	2	5	196	0	0
Aquatic Life Support	1,514	‹1	15	1	0	0
Swimming	1,429	10	28	73	0	0
Secondary Contact	1,514	1	15	‹1	0	0
Drinking Water Supply	NA	NA	NA	NA	NA	NA
Agriculture	NA	NA	NA	NA	NA	NA
Aesthetics	1,518	1	11	0	0	0

TABLE 3.4

INDIVIDUAL USE SUPPORT SUMMARY

Type of Waterbody: Great Lakes
Size Unit: Shore Miles

Use	Supporting	Supporting, but Threatened	Partially Supporting	Not Supporting	Not Attainable	Unassessed
Fish Consumption	85	---	492	0	0	0
Shell fishing	NA	NA	NA	NA	NA	NA
Aquatic Life Support	557	---	20	0	0	0
Swimming	464	---	113	0	0	0
Secondary Contact*	454	---	123	0	0	0
Drinking Water Supply	576	---	1	0	0	0
Agriculture**	85	---	492	0	0	0
Aesthetics	505	0	72	0	0	0

***** **For the purpose of this assessment, includes boating and recreational fishing.**
****** **For the purpose of this assessment, it is assumed that waters which do not fully support fish consumption also do not support agricultural use.**

TABLE 3.5

INDIVIDUAL USE SUPPORT SUMMARY

Type of Waterbody: Ocean Coastal
Size Unit: Shore Miles

Use	Supporting	Supporting, but Threatened	Partially Supporting	Not Supporting	Not Attainable	Unassessed
Fish Consumption	120	0	0	0	0	0
Shell fishing	117	0	0	3	0	0
Aquatic Life Support	120	0	0	0	0	0
Swimming	120	0	0	0	0	0
Secondary Contact	120	0	0	0	0	0
Drinking Water Supply	NA	NA	NA	NA	NA	NA
Agriculture	NA	NA	NA	NA	NA	NA

Sources of Water Quality Impairment

Sources of water quality impairment are divided into two major categories:

Point Sources

> Municipal, industrial, and private sewage or discharges either treated or untreated. Also includes combined sewer overflows (CSOs) which by design discharge a mixture of municipal sewage and stormwater runoff during significant storm events.

Nonpoint Sources

> Essentially all other sources of pollutants which are not discharged through either a treatment plant effluent, outfall pipe or sewage collection system. This category includes urban/storm runoff from streets, highways, and parking areas, agricultural runoff, runoff from construction sites, leachate from landfills and hazardous waste disposal sites, chemical and petroleum spills, contaminated sediments, streambank/roadbank erosion, and ground water contaminated by on-site septic systems. Although storm sewers are now considered "point sources" with respect to regulation by discharge permit, they will be included in this report with nonpoint sources since the reduction of pollutants from them will rely on nonpoint source control technology i.e., best management practices.

A "primary source" is the source identified as the major contributor to the primary use impairment for a segment. A "secondary source" is any other source linked to that segment. Since there can be several secondary sources for each waterbody segment, the total size of waters affected by secondary sources can be greater than the total size of waters in the Priority Water Problem (PWP) system for each waterbody type.

Table 4 is a statistical summary based on total PWP segment size in each source category. This analysis shows that nonpoint sources as a group are the most frequently cited primary and secondary sources of water quality impairment for all waterbody types except the Atlantic Ocean. That is, collectively, they are felt to be responsible for more impairment than point sources.

In the point source category, municipal point sources contribute to more impairment than industrial or private sources.

In the nonpoint source category, contaminated sediments, agriculture, construction, urban/storm runoff, on-site disposal systems, hydrologic/habitat modifications, and streambank/roadbank erosion are major contributors.

Agriculture is identified as a significant primary and secondary source of pollutants to both rivers/streams and lakes/reservoirs. Contaminated sediments and urban runoff are significant primary and secondary sources for bays/estuaries.

"Other" nonpoint sources are identified as significant secondary sources of pollutants

for lakes/reservoirs and bays/estuaries. Boat pollution, waterfowl, and nutrient-rich sediments are frequently cited in this category.

In the nonpoint source category for lakes, unknown sources are identified as the most dominant primary sources. The total acreage with unknown sources represents four lakes and one reservoir, including Lake Champlain which accounts for the majority (96,640 acres) of the total. The second most dominant identified primary nonpoint source is agriculture which is cited as the source of silt and nutrients responsible for lake eutrophication.

The data for bays and estuaries shows a somewhat different relationship, primarily because of the proximity of these waters to the New York City-Long Island region. The majority of the bays and estuaries which have impairments are because of shell fishing restrictions or fish consumption advisories. Also, due to the proximity to New York City and Long Island, the sources affecting these waters tend to be unique. Here we see CSOs as the most significant primary point source and municipal sources as the most significant secondary point source.

In the nonpoint source category, the most significant primary sources are urban runoff and contaminated/toxic sediments. No other primary sources are even close in magnitude. In the secondary nonpoint source category, other sources such as boats and waterfowl are significant.

NEW YORK WATER QUALITY 1994
TABLE 4 - Sources Causing Impairment vs. Total Size
1st column of each segment = Total size of waters vs primary source causing impairment.
2nd column of each segment = Total size of waters vs secondary source causing impairment.

Source	Rivers (miles)	Rivers (miles)	Lakes Reservoirs (acres)	Lakes Reservoirs (acres)	Bays Estuaries (acres)	Bays Estuaries (acres)	Ocean (shore miles)	Ocean (shore miles)	Great Lakes (shore miles)	Great Lakes (shore miles)
Industrial	70.7	323.1	43,163	11,435	519	13,355	0	0	0	21.0
Municipal	174.4	518.6	16,647	84,870	37,148	123,957	0	3	1	28.5
Private	19.0	216.1	71	10,752	0	4,613	0	0	0	0
CSO	50.5	462.7	19	25,058	68,845	45,745	3	0	21	27.8
Total Point Sources	**314.6**	**1,520.5**	**59,900**	**132,115**	**106,512**	**187,670**	**3**	**3**	**22**	**77.3**
Storm Sewers	10.5	252.2	914	13,728	10,888	2,893	0	0	1	33.8
Acid Rain	80.5	137.5	17,889	13,934	0	0	0	0	0	7.8
Cont/Toxic Sediment	345.0	277.6	32,911	51,209	74,742	64,968	0	0	373.9	64.8
Agriculture	1,394.1	1,330.1	90,375	253,662	0	10,638	0	0	7.5	54.8
Silviculture	60.5	422.8	20	34,635	0	0	0	0	0	0
Construction	147.5	806.1	1,764	135,265	40	350	0	0	6	42.5
Urban Runoff	283.3	1,125.3	20,017.2	101,345	76,924	43,650	0	0	14	34.8
Resource Extraction	81.3	520.9	0	25,275	0	0	0	0	0	0
Land Disposal	86.2	858.6	186	91,749	209	14,812	0	0	0	373.9
On-site Systems	281.3	1,326.4	55,846	174,826	1,632	32,131	0	0	68.6	27.5
Hydrologic/Habitat Modifications	439.5	656.7	43,112	16,363	0	1,085	0	0	0	11
Streambank Erosion	740.9	1,627.2	5,517	113,901	0	40	0	0	0	59.3
Roadbank Erosion	10.0	1,095.1	45	141,834	0	0	0	0	0	6.8
Chem. Leaks/Spills	21.0	145.5	50	2,549	0	0	0	0	0	44
Deicing (stor/app)	270.9	442	697	33,746	75	0	0	0	0	12.8
Unknown Source	124.6	21.1	112,003	11,253	0	0	0	0	0	0
Other Source	96.5	338.2	14,630	111,848	894	120,303	0	0	0	32.8
Total Nonpoint Sources	**4,473.6**	**11,383.3**	**395,976.2**	**1,327,122**	**165,404**	**290,870**	**0**	**0**	**471**	**806.6**

Pollutants Causing Water Quality Impairment - (Tables 5.1 and 5.2)

A "primary pollutant" is the pollutant which is associated with the primary use impairment for a waterbody segment. A "secondary pollutant" is any other pollutant identified with a segment. It may be the only pollutant associated with a secondary impairment, or it may be another pollutant associated with the prime impairment. Since there can be several secondary pollutants for each identified PWP segment, the total size of waters affected by secondary pollutants can exceed the total size of waters identified in PWP for any given waterbody type.

Collectively, non-toxic pollutants account for more water quality impairment than toxics for all waterbody types except the Great Lakes. This is generally because nonpoint sources contributing non-toxic pollutants are the major cause of impairment in the other waterbody types. The Great Lakes are an exception because toxic pollutants from contaminated sediments are the dominant cause.

In the toxic pollutant category, the most significant primary group of pollutants are the priority organics which include PCB, chlorinated pesticides, and chlorinated organic compounds. This is because it is the group of pollutants which are responsible for most of the fish consumption advisories in New York State. The remaining advisories are due to mercury contamination.

In the non-toxic pollutant category, nutrients are the primary pollutants for lakes/reservoirs, and silt (sediment) for rivers. These pollutants are associated with nonpoint sources which are the primary source of impairment for these two waterbody types. Pathogen indicators are the primary pollutant for bays/estuaries with priority organics as second. These correspond with the two most prevalent impaired uses of bays/estuaries which are shellfish bed closures and fish consumption advisories, respectively.

NEW YORK State WATER QUALITY 1994
TABLE 5.1
Total Size of Waters vs. Primary Pollutants[1] Causing Impairment[2]

Primary Pollutant	Rivers (miles)	Lakes/Reservoirs (acres)	Bays/Estuaries (acres)	Ocean (shore miles)	Great Lakes (shore miles)
Unknown Toxic	85.6	0	0	0	0
Pesticides	36.1	25,657	0	0	0
Priority Organics	509.3	102,125.2	74,742	0	373.9
Nonpriority Organics	3.5	0	0	0	0
Metals	33.2	16,645	0	0	0
Ammonia	1.0	250	0	0	0
Chlorine	7.5	525	0	0	0
Other Inorganics	2	0	0	0	0
Total Toxics	**678.2**	**145,202.2**	**74,742**	**0**	**373.9**
Nutrients	578.9	167,436	0	0	90.1
Acid/Base	80.5	16,462	0	0	0
Silt (Sediment)	2,354.8	12,506	90	0	6
Oxygen Demanding Substances	131.3	5,275	9,364	0	0
Salts	26.6	43,268	25	0	0
Thermal Changes	348.8	0	0	0	0
Water Level/Flow	167.2	40,056	0	0	0
Pathogen Indicators	229.9	23,825	177,731	3	23
Aesthetics	145.1	822	9,964	0	0
Oil and Grease	14.4	0	0	0	0
Other	28.5	0	0	0	0
Total Non-Toxics	**4,106**	**309,650**	**197,174**	**0**	**113.1**
TOTALS	**4,784.2**	**454,852.2**	**271,916**	**3**	**493**

[1] Refer to definition in accompanying narrative of "primary pollutant".

[2] "Impairment" refers here generically to any degree of water quality problem.

NEW YORK STATE WATER QUALITY 1994

TABLE 5.2

Total Size of Waters vs. Secondary Pollutants[1] Causing Impairment

Secondary Pollutants	Rivers (miles)	Lakes/Reservoirs (acres)	Bays/Estuaries (acres)	Ocean (shore miles)	Great Lakes (shore miles)
Unknown Toxic	277	394	2,444	0	21
Pesticides	1,003.1	177,466	350	0	23
Priority Organics	221.8	19,770	44,603	0	41.8
Nonpriority Organics	109.9	2,944	0	0	0
Metals	273.7	102,399	21,198	0	0
Ammonia	168.7	2,944	0	0	0
Chlorine	76.9	4	0	0	0
Other Inorganics	85.9	400	0	0	0
Total Toxics	**2,217**	**306,321**	**68,595**	**0**	**85.8**
Nutrients	2,383	139,408	65,703	0	28
Acid/Base	60.6	7,310	350	0	0
Silt (Sediment)	1,304.9	204,905	17,040	0	78.3
Oxygen Demanding Substances	1,022.5	108,205	60,716	0	71.3
Salts	528	28,325	0	0	12.8
Thermal Changes	1,197.6	343	2,300	0	0
Water Level/Flow	569.2	18,486	1,045	0	0
Pathogen Indicators	1,266.1	182,766	80,740	0	35.8
Aesthetics	810.6	80,096	19,804	0	51.8
Oil and Grease	195.5	640	13,045	0	0
Other	0.6	100	15,520	0	0
Total Non-Toxics	**9,338.6**	**770,584**	**276,263**	**0**	**278**
TOTALS	**11,555.6**	**1,076,905**	**344,858**	**0**	**363.8**

[1] Refer to definition in accompanying narrative of "secondary pollutant".

[2] "Impairment" refers here generically to any degree of water quality problem.

TABLE 6

Summary of Actual or Suspected Pollution/Toxicant-Caused Fish Kills Reported in NYS, 1992

Region	Waterbody	County	No. Fish Est. Killed	Pollutants	Source
3	P352	Dutchess	200	Papermill waste	Business/Industrial
	Fishkill Creek	Dutchess	12	Sewage	Municipal
	Catlin Creek	Orange	100s	Cow manure	Agriculture
	Trib. of Lake Deforest	Rockland	Dozens	Chlorine suspected	Business/Industrial
	Kensico Reservoir	Westchester	1,000s	Chlorine suspected	Municipal
4	Salt Kill (H239)	Albany	172	Unknown	Business/Industrial
	Cayadutta Creek	Montgomery	Several hundred	Industrial waste suspected	Industrial
	Moordner Kill	Rensselaer	30	Chlorine suspected	Unknown
6	Kelsey Creek	Jefferson	1,000	Sewage	Municipal
7	Onondaga Lake	Onondaga	560	Ammonia	Business/Industrial
	Dutch Hollow Brook	Onondaga	752	Ammonia suspected	Business
	Harbor Brook	Onondaga	12	Sewage/ammonia suspected	Municipal
8	Larkin Creek	Monroe	Few	Driveway sealer	Business/Industrial
	Babcock Hollow	Steuben	300	Cow manure suspected	Agriculture
	Campground Pond (private pond)	Steuben	200	Possible pesticide	Agriculture
9	Little Buffalo Creek	Erie	500	Ammonium nitrate solution	Transportation
	Scajaquada Creek	Erie	30	Truck washing wastewater suspected	Business/Industrial

TABLE 7
Nine Year (1984-1992) Summary of Actual or Suspected Pollution-Caused Fish Kills Reported in NYS According to Source

Source	Number	Percent
Business/Industry[a]	60	25
Municipal[b]	49	21
Unknown	45	19
Agriculture[c]	37	16
Aquatic Pest Control[d]	15	6
Transportation	14	6
Household	6	3
Fire related	6	3
Construction	3	1
Landfill	2	‹1
TOTALS	**237**	**100**

[a]Includes schools and State facilities.
[b]Includes STPs, storm sewers, water treatment, swimming pools, etc.
[c]Includes fertilizers and pesticides.
[d]Includes weed and fish control.

TABLE 8

Nine Year Summary of Fish Kill Notifications Reported, Actual or Suspected Pollution/Toxicant Caused Fish Kills Reported, and Estimated Number of Fish Killed by Pollution in NYS

	1984	1985	1986	1987	1988	1989	1990	1991	1992
Total No. of Noticications Reported	75	124	76	96	95	92	67	91	82
No. of Pollution Caused Fish Kills Reported	30	43	24	25	33	22	20	23	17
Estimated No. of Fish Killed By Pollution (in thousands)	550[e]	100	25	120	45	10+	112	10	7

[e]Three kills accounted for an estimated 450,000 fish.

Appendix 3

DRAFT
Sharing Staff
Memorandum of Agreement
USEPA - Region 2 / New York State Department of Environmental Conservation

1. Introduction

The EPA Region 2 (EPA) and the New York State Department of Environmental Conservation (NYSDEC) water programs have agreed to work in partnership to protect public health and the environment throughout New York State. In order to do this:

- We will ensure the continued efficient and effective implementation of base programs state-wide; and

- We will do more, as necessary, to solve the particular problems in particular places, that have not, or cannot be satisfactorily addressed through the implementation of base programs alone.

Our preferred approach to doing more, as necessary, to solve the particular problems in particular places is "Community-Based Environmental Protection", and we devote a significant, and increasing share of staff, contract and grant resources to it.

2. Coordination Community-Based Environmental Protection Efforts in NYS

EPA and the State work together actively, as partners on CBEP projects for which there is a compelling reason for active federal involvement (e.g., interstate or international boundary waters, major direct federal regulatory involvement, federal legislative mandate); these are referred to as joint-lead projects. NYSDEC plays the lead role on many other CBEP projects in the State; EPA's role in these state-lead projects is generally limited to technical and financial assistance, as requested by NYSDEC.

In order to continue active EPA and NYSDEC involvement, as appropriate, in the growing number of CBEP projects in New York State, we need to seek economies in the use of limited staff resources. EPA and NYSDEC, therefore, agree that, whenever feasible, we will use a single CBEP project manager to coordinate federal and state involvement for joint-lead CBEP projects in New York State that meet one of the following tests:

- A shared vision exists in the form of an agreed upon comprehensive plan; or

- A shared vision is currently being developed through a mutually agreed upon

planning process, and no significant disagreements between EPA and NYSDEC have been identified that would inhibit the development of an agreed upon comprehensive plan.

The role of the single CBEP project manager will be to coordinate EPA and NYSDEC involvement in the project:

- Keeping management in both agencies apprised of project status;
- Identifying issues for management resolution;
- Facilitating the delivery of agreed upon project support from both agencies.

In some cases, the single CBEP project manager will be an EPA employee; in other cases the single CBEP project manager will be a NYSDEC employee. In all cases, the project manager will divide his/her time between EPA and NYSDEC locations, as necessary, to meet the needs of both agencies.

In SFY '96/'97 NYSDEC and EPA will pursue staff sharing for two joint-lead CBEP projects:

- DEC will designate a single project manager for the Lake Champlain CBEP project upon conclusion of the phosphorous reduction agreement for the Lake;
- Concurrently, EPA will designate a single project manger for the NY/NJ Harbor Estuary Program CBEP project.

Furthermore, NYSDEC and EPA will, by September 30, 1996, develop a specific staff sharing arrangement covering the numerous Great Lakes CBEP projects.

3. <u>Efficiently Meeting Programmatic Obligations</u>

Many federal environmental programs have been delegated to the New York State Department of Environmental Conservation; others remain the primary responsibility of the EPA. However, each agency continues to play a role in each of these programs.

Opportunities exist to deploy EPA staff to help NYSDEC meet its programmatic responsibilities, and to deploy NYSDEC staff to help EPA meet its responsibilities, in a manner that provides a net benefit to the two agencies. NYSDEC and EPA, therefore, agree to seek opportunities to deploy staff in this manner. In SFY '96/'97 NYSDEC and EPA will pursue two pilot efforts:

- Reserved.
- Reserved.

Workplans will be developed by June 30, 1996 to identify the specific activities to be performed under this programmatic staff sharing agreement.

4. Conclusion

Under this MOA, the salaries and expenses of EPA employees will remain the sole responsibility of EPA. The salaries and expenses of NYSDEC employees will remain the sole responsibility of NYSDEC.

This MOA may be amended from time-to-time at the request of either party. It may also be terminated at any time, by either party upon notification of the other party.

For the New York State Department of Environmental Conservation

N.G. Kaul
Director
Division of Water

For the U.S. Environmental Protection Agency-Region 2

Kathleen C. Callahan
Director
Division of Environmental Planning and Protection

Appendix 4

HEP-Recommended Environmental Indicators

- Acres and quality of aquatic habitats
- Acres and quality of terrestrial habitats
- Abundance and diversity of bottom dwelling organisms and communities
- Distribution and abundance of fish, blue crabs, and lobsters
- Abundance and reproductive success of marine birds
- Levels of chemicals in the Estuary environment
- Levels of contaminants in striped bass, blue crabs and lobsters
- Levels of coliforms and viruses in the Estuary environment
- Incidence of beach and shellfish bed re-openings
- Incidence of human illnesses related to bathing or shellfish consumpton
- Quantity of floatable debris observed on beaches or in the water
- Incidence of animal illnesses/stranding incidents linked to floatable debris
- Incidence of floatables-related boating accidents or damage
- Levels of dissolved oxygen in the water
- Incidence of nuisance/novel algal blooms

Appendix 5

NRTMP-Recommended Environmental Indicators

- Levels of toxic chemicals that exceed U.S. or Canadian water and sediment criteria (e.g., PCBs, pesticides).
- Levels of toxic chemicals that are associated with particular sources (e.g., OCS, chlorobenzenes).
- Levels of toxic chemicals causing fish consumption advisories, and number of advisories removed.
- Levels of toxic chemicals in sediment cores.
- Distribution and abundance of macroinvertebrates.
- Levels of toxic chemicals in macroinvertebrates.

Appendix 6

Memorandum of Agreement on Clean Water Act Section 604(b) Pass Through Funds

United States Environmental Protection Agency -Region 2 and New York State Department of Environmental Conservation

Background

Under the authority of the Clean Water Act (CWA), Sections 205(j) and 604(b), Region 2 of the United States Environmental Protection Agency (USEPA-II) provides funding to the New York State Department of Environmental Conservation (NYSDEC) to conduct water quality management planning activities. Sections 205(j) and 604(b) require that NYSDEC allocate at least forty percent (40%) of these funds it receives to eligible public comprehensive planning organizations in New York State and to appropriate Interstate Planning Organizations for the development of water quality management plans.

NYSDEC is currently funding contracts under CWA Sections 205(j) and 604(b) with regional planning agencies and county agencies which are "public comprehensive planning organizations", and expects to continue the practice. The types of work done under the existing contracts include groundwater and wellhead protection, nonpoint source management, public education for water programs, water quality education for local officials, and water quality management planning. Projects completed and under way have supported ground and surface water supply protection, protection from stream bank erosion, remedial action plans for Great Lakes areas of concern, and water quality and hydrologic investigations for lake comprehensive conservation and management plans.

Future projects are expected to include stormwater mitigation, nonpoint source control implementation, water quality management, and water quality sampling and analysis.

Agreement

NYSDEC will develop work plans to carry out water quality management planning activities in accordance with the purposes of Section 604(b)/205(j)(3) using the 40% of Section 604(b) funding set aside for pass thru without prior review and approval of the work plans by USEPA Region 2. USEPA Region 2 will receive copies of each final project work plans and budgets submitted by NYSDEC. Unusual work plans outside the scope of previously conducted water quality management planning activites will continue to require prior approval by USEPA Region 2.

Annually, NYSDEC will submit to USEPA Region 2, a listing of anticipated projects to be funded under CWA Section 604(b) with a fiscal year funding amount identified. A brief project description will also be provided. Scopes of work for project types not previously funded under CWA Section 604(b) will be identified on this listing and USEPA Region 2 will determine if their approval is necessary.

NYSDEC will also submit to USEPA Region 2 an annual report on the status of CWA Section 604(b)) funded projects. This annual report will include the status of completion of the work and a financial summary. Annual reports for the FFY year ending September 30 will be due the following December 31 of the same year.

Richard Caspe, P.E.
Director
Water Management Division
USEPA Region II

7/10/96
Date

N.G. Kaul, P.E.
Director
Division of Water
NYSDEC

7/31/96
Date

This agreement is effective on the date this Agreement is signed. All proposed pass thru projects submitted to EPA prior to this effective date will be subject to EPA review/approval. This Agreement shall be in effect until such time the NYSDEC Performance Partnership Agreement is signed, at which time this agreement will become part of the Performance Partnership Agreement.

Appendix 7

Memorandum of Agreement on Clean Water Act Section 319 Nonpoint Source Implementation Projects and Interagency Memorandum of Understandings

United States Environmental Protection Agency - Region 2 and New York State Department of Environmental Conservation

Background

As the nonpoint source (NPS) Program has progressed and more funding has become available (both from federal and state sources), New York has started to provide funding for locally based NPS implementation projects. The funding of these projects is under the authority of the Clean Water Act (CWA) Section 319(h). Twenty-eight local projects were funded using money from the FFY 94 Section 319 grant (and the SFY 94-95 Environmental Protection Fund). An additional 28 projects were funded using funds from the FFY 95 Section 319 grant (and the SFY 95-96 EPF). The 56 projects funded were selected from among 131 that were submitted in response to a Request for Proposals (RFP) dated October 1, 1994. This RFP outlined the intent of the program, listed the factors that were to be considered in project selection, and gave the required format for proposals. Proposals submitted were first screened for eligibility. Twenty-three projects were not eligible (typically these did not implement best management practices or they were planning or assessment oriented). The remaining 108 projects were reviewed by an interagency review panel consisting of representatives from four agencies. The panel was made up of volunteers from the NY NPS Coordinating Committee.

After the review panel rated each proposal, the proposals were distributed to the appropriate Regional Water Engineer (RWE). The RWEs looked at the review panel's proposed list of projects to be funded and, in nearly every case, accepted the review panel's recommendation (there was only one project dropped based on this review). RWEs also identified projects that they felt should be considered if additional funding became available.

Another significant portion of New York's Section 319 yearly grant goes to fund cooperative agreements with several agencies who have a major role to play in implementing the NPS program in New York. Funds have gone to the USDA Natural Resources Conservation Service since 1990. Among the items that have been included in our agreements are: providing liaisons to DEC, both in Central Office and in our Regional Offices; conducting training sessions primarily on erosion/sediment control and on stormwater management; and preparing public outreach materials about NPS pollution.

Section 319 funds are also provided to the NYS Soil and Water Conservation Committee and to Cornell Cooperative Extension. These funds have gone to the State Committee for staff, for contracts with Districts for staff to perform specific duties, and for training initiatives. The money to Cornell has been used for a variety of special projects, some of short duration such as a Sea Grant project on public outreach related to stormwater runoff, and others that are on-going such as the quarterly "Water Courses" newsletter.

Proposals for funding are submitted annually by each of the agencies. Each agency follows their own internal system for deciding what to include in their request. In the past, DEC has reviewed each agency's request and has selected items to include in the grant applications submitted to EPA. Starting in 1996, a NPS Steering Committee will provide recommendations on which items to include in the grant request. This steering committee is composed of representatives from all of the federal and state agencies who have statewide responsibilities for implementing the NPS program.

Once the specifics of each agency's request are determined, a grant application is submitted to EPA. EPA reviews the request and notifies the state as to which items are acceptable. After the grant is awarded, DEC enters into a formal agreement (using either a contract or a Memorandum of Agreement) with each agency. Funds are generally provided as a reimbursement for activities performed.

Agreement

- NPS Implementation Projects

It is DEC's intent to continue to fund locally based NPS implementation projects in accordance with Section 319 of the CWA. It is agreed that the following process to identify and fund NPS implementation projects will be used.

1. DEC will prepare and distribute an RFP seeking proposals for locally based NPS implementation projects.

2. DEC will submit to EPA a list of all of the responses received.

3. DEC will follow a process that involves DEC partner agencies and DEC Regional Water Engineers, also known as the NY Nonpoint Source Coordinating Committee (NPSCC), in selecting projects for funding.

4. When projects are selected based on the NPSCC's recommendations, DEC will send the list of selected projects to EPA Region 2.

5. A contract between DEC and the project sponsor will be required for each of these projects. Upon contract execution, DEC will submit a copy of the scope of work and final budget to EPA Region 2.

6. DEC will submit to EPA an annual progress report.

Accordingly, prior approval of NPS Implementation projects by EPA is not required unless the project is outside the scope of previsously funded projects.

● Interagency MOUs

In relation to the development and execution of agreements with other agencies who play a major role in the implementation of the NPS program in New York, it is agreed that:

1. DEC will annually send EPA list of the agencies with whom agreements will be developed. DEC will also supply basic scope of work information about work that each agency will perform and the amount of 319 funds to be provided to them unless the project is outside the scope of previsously funded projects.

2. Once the agreements are finalized, either through a contract or a memorandum of understanding, DEC will send copies of the approved agreements to EPA.

3. DEC will forward annual progress reports to EPA.

Accordingly, prior approval of interagency MOUs is not required.

_____	_____
Kathleen C. Callahan	N.G. Kaul, P.E.
Director	Director
Division of Environmental Planning and Protection	Division of Water
USEPA Region 2	NYSDEC
_____	_____
Date	Date

This agreement is effective on the date this Agreement is signed. All proposed projects submitted to EPA prior to this effective date will be subject to EPA review/approval. This Agreement shall be in effect until such time the NYSDEC Performance Partnership Agreement is signed, at which time this agreement will become part of the Performance Partnership Agreement.